ACTS
AND
RESOLVES

PASSED BY THE
General Court of Massachusetts
IN THE YEAR

2006

PUBLISHED BY
William Francis Galvin
SECRETARY OF THE COMMONWEALTH

The General Court, which was chosen November 2, 2004, assembled on Wednesday, the fourth day of January 2006 for the second session.

His Excellency W. Mitt Romney and the Honorable Kerry M. Healey served as Governor and Lieutenant Governor respectively for the political year of 2006.

2006 ACTS AND RESOLVES

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Published by William Francis Galvin
Secretary of the Commonwealth

Chapter 1. AN ACT AUTHORIZING THE LATE FILING OF A CERTAIN APPLICATION FOR CLASSIFICATION OF LAND IN THE TOWN OF WENDELL.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 2 of chapter 61 of the General Laws or any other general or special law to the contrary, an application filed by Neal Feltman and Marcelle Feltman for classification of their land under said section 2 of said chapter 61 within 60 days after the effective date of this act, relative to the land on Jennison road and New Salem road, shown as Lot 319 on the Assessor's Map 411, and more particularly described in a deed recorded with the Franklin registry of deeds in Book 3636, Page 86, shall be considered to have been submitted to the state forester prior to July 1, 2002 and the state forester certification shall be considered to have been submitted to the assessors of the town of Wendell prior to September 1, 2002.

SECTION 2. Upon the filing of the application in accordance with section 1 of this act, the application shall be considered to have been timely filed and the land covered in the application shall not be considered to have been removed from classification as forest land under chapter 61 of the General Laws.

Approved January 12, 2006.

Chapter 2. AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND TO THE GREATER BOSTON FOOD BANK, INC.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the conveyance of certain property to The Greater Boston Food Bank, Inc., therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance, notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws, or any other general or special law to the contrary, including without limitation chapter 256 of the acts of 2002, shall convey or lease to The Greater Boston Food Bank, Inc., for the purposes of a food bank, a certain parcel of commonwealth land located on South Bay avenue in the city of Boston, containing 123,432 square feet, more or less, on which the former Boston municipal incinerator was located, together with any and all rights-of-way and easements appurtenant thereto and subject to any and all rights of way and easements deemed necessary by the commissioner for the benefit of the commonwealth. The property is shown on a plan, entitled "South Bay Incinerator-South Bay Ave. in Boston Massachusetts (Suffolk County)

Activity and Use Plan" dated January 21, 2002 and prepared for CDM, Camp Dresser & McKee Inc., One Cambridge Place, 50 Hampshire Street, Cambridge, MA 02139 and prepared by BSC Group, 384 Washington Street, Norwell, MA 02061 by Everett J. Chandler, Professional Land Surveyor and retained as File: 597101 - Auldwg, Drawing No. 4437.02. This parcel shall be conveyed by release deed or leased in its existing condition without warranties or representations by the commonwealth. The commissioner shall determine the exact boundaries and acreage of the parcel based upon a survey of the parcel.

SECTION 2. The consideration to be paid by The Greater Boston Food Bank, Inc. to the commonwealth for the parcel shall be not less than the full and fair market for such use of the parcel, taking into account the reverter and lease termination provisions in section 3. The value of the parcel shall be determined by the commissioner of capital asset management and maintenance based upon an independent professional appraisal. The commissioner shall, 45 days before the conveyance or lease authorized by section 1, submit the appraisal and a report thereon to the inspector general. The inspector general shall review and approve the appraisal and the review shall include an examination of the methodology used for the appraisal. Within 30 days of receipt of the appraisal, the inspector general shall prepare a report of his review and approval of the appraisal and file the report with the commissioner. The commissioner shall forward copies of the inspector general's report to the house and senate committees on ways and means and to the chairman of the joint committee on state administration and regulatory oversight at least 15 days before the conveyance or lease.

SECTION 3. The Greater Boston Food Bank, Inc. shall pay expenses associated with any land survey, appraisal, title examinations, recording fees and any other expenses relating to the conveyance or lease of the parcel, and shall be responsible for all costs, liabilities and expenses of any nature and kind for its ownership or interest.

Any deed or lease conveying or leasing the parcel to The Greater Boston Food Bank, Inc. and any subsequent deed or lease of all or a portion of the parcel shall contain a provision that if the parcel ceases to be used for the purposes set forth in this act it shall be deemed an event of default. In the event of a default under a conveyance by deed, upon notification to the owner by the commonwealth within 1 year of the occurrence of such default, and recording of such notification with the Suffolk county registry of deeds, title to the parcel or portions of the parcel that are used in violation of this act shall revert to the commonwealth. In the event of a default under a lease, upon notification to lessee by the commonwealth within 1 year of the occurrence of such default, and recording of such notification with the Suffolk county registry, such lease shall be terminated and of no further effect. The foregoing provisions and use restrictions shall not apply in the case of a foreclosure of the parcel or portion thereof by a mortgagee.

Approved January 19, 2006.

Chapter 3. AN ACT AUTHORIZING THE APPOINTMENT OF MATTHEW A. KRAUNELIS TO THE POSITION OF CHIEF OF STAFF TO THE MAYOR OF THE CITY OF METHUEN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the charter of the city of Methuen or any general or special law to the contrary, Matthew A. Kraunelis, upon the expiration of his term as city councilor on December 31, 2005, shall be eligible to be appointed to the position of chief of staff to the mayor of the city of Methuen, William M. Manzi, III.

SECTION 2. This act shall take effect upon its passage.

Approved January 19, 2006.

Chapter 4. AN ACT AUTHORIZING JULIO PEREZ TO TAKE THE CIVIL SERVICE EXAMINATION FOR THE POSITION OF FIREFIGHTER IN THE CITY OF HAVERHILL NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 58 of chapter 31 of the General Laws or any other general or special law or rule or regulation to the contrary regulating the maximum age of applicants for appointment as firefighter, Julio Perez of the city of Haverhill shall be eligible for appointment to the position of firefighter in the city if he meets all other requirements for certification and appointment to the fire department of the city of Haverhill. The grade received by Julio Perez on the April, 2004 firefighter examination may be used to determine his eligibility for the position.

SECTION 2. This act shall take effect upon its passage.

Approved January 19, 2006.

Chapter 5. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF SOUTHBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Section 1-2-1 of the charter of the town of Southbridge, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by adding the following sentence:- The town of Southbridge shall be governed by those General Laws applicable to towns where the laws

of the commonwealth distinguish between towns and cities and all the provisions of law applicable to the town of Southbridge, except as otherwise specifically provided in this charter; but section 32 of chapter 40, of the General Laws shall not apply to the town of Southbridge.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, all actions taken as of July 1, 2004, by the town of Southbridge and the town council of the town of Southbridge in accordance with those General Laws applicable to towns shall be ratified, validated and confirmed as though this act had been in effect as of July 1, 2004.

SECTION 3. This act shall take effect upon its passage.

Approved January 19, 2006.

Chapter 6. AN ACT AUTHORIZING PETER JAKUB JEGOROW TO TAKE THE CIVIL SERVICE EXAMINATION FOR THE POSITION OF FIREFIGHTER IN THE CITY OF HAVERHILL NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or rule or regulation to the contrary regulating the maximum age of applicants for appointment as firefighter, Peter Jakub Jegorow of the city of Haverhill shall be eligible for appointment to the position of firefighter in the city if he meets all other requirements for certification and appointment to the fire department of the city of Haverhill. The grade received by Peter Jakub Jegorow on the April, 2004 firefighter examination may be used to determine his eligibility for the position.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 2006.

Chapter 7. AN ACT AUTHORIZING THE CERTIFICATION AND APPOINTMENT OF DARRYL SENCABAUGH AS A FIREFIGHTER IN THE TOWN OF WILMINGTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or rule or regulation to the contrary regulating the maximum age of an applicant for appointment as firefighter, Darryl

Sencabaugh shall be allowed to have his civil service exam test results from April, 2004 considered by the town of Wilmington for his appointment to the position of firefighter in the town of Wilmington, and if he meets all other requirements, he shall be eligible for certification and appointment to the fire department of the town of Wilmington.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 2006.

Chapter 8. AN ACT AUTHORIZING THE CERTIFICATION AND APPOINTMENT OF THOMAS TAYLOR AS A FIREFIGHTER IN THE TOWN OF WILMINGTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or rule or regulation to the contrary regulating the maximum age of an applicant for appointment as firefighter, Thomas Taylor shall be allowed to have his civil service exam test results from April, 2004 considered by the town of Wilmington for his appointment to the position of firefighter in the town of Wilmington, and if he meets all other requirements, he shall be eligible for certification and appointment to the fire department of the town of Wilmington.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 2006.

Chapter 9. AN ACT RELATIVE TO THE ESSEX NORTH SHORE AGRICULTURAL AND TECHNICAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 3 of chapter 463 of the acts of 2004 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be a temporary oversight board which shall consist of 13 members, for the purpose of overseeing all aspects of the planning and development of the new school in conjunction with the Massachusetts school building authority and the division of capital asset management; 5 of whom shall be from the North Shore vocational regional school to be appointed by the chairman of the North Shore vocational regional school committee and each shall be a resident of a different member town of the North Shore Vocational Regional School District; 3 of whom from the Essex agricultural and technical high school to be appointed by the chairman of the board of trustees of the Essex agricultural and technical high school and shall be residents of a municipality in Essex county with students currently

attending Essex agricultural and technical high school; 1 of whom shall be a resident of the city of Peabody appointed by the mayor of the city; 1 of whom shall be a resident of the town of Danvers appointed by the town manager; 1 of whom shall be the superintendent-director of the North Shore Vocational Regional School; 1 of whom shall be the superintendent of the Essex Agricultural and Technical High School; and 1 of whom shall be appointed by the commissioner of agricultural resources.

SECTION 2. Section 5 of said chapter 463 is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- The authority shall include its findings as part of the annual school building needs assessment required by paragraph (a) of section 17 of chapter 70B of the General Laws and shall forward the findings, together with recommended legislation, if any, to the secretary of administration and finance, the joint committee on education, and the house and senate committees on ways and means, but not later than 18 months after the establishment of the temporary oversight board established in section 3.

SECTION 3. Section 8 of said chapter 463 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The school committee shall have exclusive use of the property occupied as of July 1, 2004 by the Essex agricultural and technical high school at no cost for so long as it remains in use for the purpose of public education, and shall keep all buildings and improvements thereto in good repair, unless the creation of the new school calls for the removal, replacement, alteration or rehabilitation of the existing structures.

SECTION 4. Said chapter 463 is hereby further amended by striking out section 12 and inserting in place thereof the following section:-

Section 12. The district shall be responsible for the transportation of its students in accordance with sections 7A and 16C of chapter 71 of the General Laws and may contract with municipalities for the provision of transportation services; but the responsibility for non-resident students enrolled in the agricultural vocational programs shall be limited to students residing in municipalities within a 20-mile radius of the district, as determined by the commissioner.

Approved January 25, 2006.

Chapter 10. AN ACT AUTHORIZING THE TOWN OF GROTON TO LEASE OR OTHERWISE TRANSFER A PORTION OF THE GROTON TOWN FOREST TO THE WEST GROTON WATER SUPPLY DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The town of Groton may transfer care, custody and control of a certain portion of the town forest including the well designated as No. 10-02 and the area within a 400-foot radius of a well so used for public water supply purposes to the board of selectmen

and the town forest committee, for the purpose of entering into an agreement with the West Groton Water Supply District by lease or otherwise for the purposes of a public water supply system and to grant an easement to the district in, under and through town forest land for the purpose of installing and maintaining utility service lines and appurtenances necessary in connection with the use of a well for public water supply purposes. This portion and easement are shown on a plan of deed entitled "Easement Plan of Land in Groton, Mass. For West Groton Water District", dated July 14, 2005, revised 8/15/05 and drawn by Rose Land Survey.

SECTION 2. No document transferring care, custody, control and management of the property described in section 1 shall be valid unless such document provides that the property shall be used solely for public water supply purposes as described in section 1. The document shall include a reversionary clause that stipulates that the property shall revert to the town of Groton for town forest and water supply protection purposes if the property ceases to be used for the express purposes for which it was transferred.

SECTION 3. This act shall take effect upon its passage.

Approved January 25, 2006.

Chapter 11. AN ACT RELATIVE TO CONTRACTS FOR ENERGY MANAGEMENT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 25A of the General Laws is hereby amended by inserting after section 11H the following section:-

Section 11I. (a) As used in this section, the following words shall have the following meanings:-

"Eligible", able to meet all requirements for offerors or bidders set forth in this section including, without limitation, being certified by the division of capital asset management and maintenance as eligible to provide energy management systems services and not debarred from bidding under section 44C of chapter 149 or any other applicable law.

"Energy conservation measures", measures involving modifications or maintenance and operating procedures of a building or facility and installations therein, which are designed to reduce energy consumption in such building or facility, or the installation, modification of an installation in a building or facility which is primarily intended to reduce energy consumption.

"Energy conservation projects", projects to promote energy conservation, including but not limited to, energy conserving modification to windows and doors; caulking and weather-stripping; insulation, automatic energy control systems; hot water systems; equipment required to operate variable steam, hydraulic, and ventilating systems; plant and

distribution system modifications including replacement of burners, furnaces or boilers; devices for modifying fuel openings; electrical or mechanical furnace ignition systems; utility plant system conversions; replacement or modification of lighting fixtures; energy recovery systems; and, cogeneration systems.

"Energy management services", a program of services, including energy audits, energy conservation measures, energy conservation projects, or a combination thereof, and building maintenance and financing services, primarily intended to reduce the cost of energy and water in operating 1 or more buildings, which may be paid for in whole or in part, by cost savings attributable to a reduction in energy and water consumption which result from the services.

"Energy management systems", the design and installation of systems or maintenance programs to conserve energy use within a building, including, without limitation, performance-contracting energy saving projects; the installation or modification of new and existing equipment which will reduce energy and water consumption associated with heating, ventilation, and air conditioning system, lighting system, building envelope, domestic hot water system, and other energy and water using devices; and the work associated with monitoring and verifying project savings and the study or design of the subject work, whether performed directly or managed through subcontractors.

"Energy savings", a measured reduction in fuel, energy, operating or maintenance costs resulting from the implementation of 1 or more energy management services when compared with an established baseline of previous fuel, energy, operating or maintenance costs, including, but not limited to, future capital replacement expenditures avoided as a result of equipment installed or services performed pursuant to the guaranteed energy savings contract.

"Guaranteed energy savings contract", a contract for the evaluation, recommendation or implementation of 1 or more energy management services in which payments are based, in whole or in part, on any energy savings attributable to the contract.

"Person", any natural person, business, partnership, corporation, union, committee, club, or other organization, entity or group of individuals.

"Public agency", a city, town or district, including a regional school district, or a combination of 2 or more such cities, towns or districts, including regional school districts, or a department, agency, board, commission, authority or other instrumentality of the commonwealth.

"Qualified provider", responsible and eligible person able to meet all requirements set forth in this section, and not debarred from bidding under section 44C of chapter 149 or any other applicable law and experienced in the design, implementation, and installation of energy savings measures.

"Request for qualifications", a solicitation directed to qualified providers issued by a public agency to obtain energy management services pursuant to a guaranteed energy savings contract subject to the provisions of this section. The request for qualifications shall include the following:

(1) The name and address of the public agency.

(2) The name, address, title, and phone number of a contact person.

(3) The date, time, and place where qualifications must be received.

(4) A description of the services to be procured, including a facility profile with a detailed description of each building involved and accurate energy consumption data for the most recent 2 year period, stated objectives for the program, a list of building improvements to be considered or required and a statement as to whether the proposed improvements will generate sufficient energy savings to fund the full cost of the program.

(5) The evaluation criteria for assessing the qualifications.

(6) A statement that the public agency may cancel the request for qualifications, or may reject in whole or in part any and all energy savings measures, when the public agency determines that cancellation or rejection serves the best interests of the public.

(7) Any other stipulations and clarifications the public agency may require, which shall be clearly identified in the request for qualifications.

"Responsible", demonstrably possessing the skill, ability and integrity necessary to faithfully perform the work called for by a particular contract, based upon a determination of competent workmanship and financial soundness in accordance with the provisions of section 44D of chapter 149.

(b) A public agency may choose to use this section in the procurement of energy management services as an alternative to the procedures set out in section 11C. Nothing in this section shall preclude any such agency from choosing to proceed thereafter under said section 11C.

(c) A public agency may enter into a guaranteed energy savings contract in order to achieve energy savings at facilities in accordance with this section.

(d) All energy savings measures shall comply with current local, state, and federal construction and environmental codes and regulations.

(e) Before entering into a guaranteed energy savings contract, a public agency shall issue a request for qualifications. Public notice of the request for qualifications shall conform to the procedures set forth in subsection (1) of section 44J of chapter 149. At least 1 week before soliciting a request for qualifications for a guaranteed energy savings contract, a public agency shall notify the commissioner of energy resources in writing, in a form and including information as the commissioner of the division of capital asset management and maintenance shall prescribe by regulation, of the agency's intent to solicit qualifications. The notification, at a minimum, shall include a copy of the agency's request for qualifications. An acknowledgment of receipt, in a form and including information as the commissioner of the division of capital asset management and maintenance shall prescribe by regulation, shall be issued by the commissioner of energy resources to the public agency upon successful compliance with the requirements of this subsection. Qualifications shall be opened publicly, in the presence of 2 or more witnesses, at the time specified in the request for qualifications, and shall be available for public inspection. The provisions of sections 44A, 44B and 44E to 44H, inclusive, of chapter 149 shall not apply to contracts procured pursuant

to this section. Section 44D of said chapter 149 shall apply as appropriate to qualifications submitted for contracts under this section, and every such qualification shall be accompanied by (1) a copy of a certificate of eligibility issued by the commissioner of the division of capital asset management, and (2) by an update statement.

The public agency shall evaluate the qualified providers to determine which best meets the needs of the public agency by reviewing the following:-

(1) references of other energy savings contracts performed by the qualified providers;

(2) the certificate of eligibility and update statement provided by the qualified providers;

(3) quality of the products proposed;

(4) methodology of determining energy savings;

(5) general reputation and performance capabilities of the qualified providers;

(6) substantial conformity with the specifications and other conditions set forth in the request for qualifications;

(7) time specified in the qualifications for the performance of the contract; and

(8) any other factors the public agency considers reasonable and appropriate, which factors shall be made a matter of record.

Respondents shall be evaluated only on the criteria set forth in the request for qualifications.

The public agency shall conduct discussions with, and may require public presentations by, each person who submitted qualifications in response to the request for qualifications regarding their qualifications, approach to the project, and ability to furnish the required services. The public agency shall select in order of preference 3 such persons, unless fewer persons respond, they consider to be the most highly qualified to perform the required services. The agency may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations conducted pursuant to subsection (f).

(f) The public agency may cancel a request for qualifications, or may reject in whole or in part any and all proposals when the public agency determines that cancellation or rejection serves the best interests of the public agency. The public agency shall state in writing the reason for a cancellation or rejection.

(g) The public agency shall negotiate a contract with the most qualified person at compensation which the public agency determines is fair, competitive, and reasonable. Should the public agency be unable to negotiate a satisfactory contract with the person considered to be the most qualified at a price the public agency determines to be fair, competitive, and reasonable, negotiations with that person shall be formally terminated. The public agency shall then undertake negotiations with the second most qualified person. Failing accord with the second most qualified person, the public agency shall terminate those negotiations and then undertake negotiations with the third most qualified person. Should the public agency be unable to negotiate a satisfactory contract with any of the selected persons, the public agency may select additional qualified providers who responded to the

request for qualifications, in the order of their competence and qualification, and continue negotiations in accordance with this subsection until either an agreement is reached or the public agency cancels the request for qualifications.

(h) The decision of a public agency as defined by section 1, regarding the selection of a qualified provider shall be final and not subject to appeal except on the grounds of fraud or collusion.

(i) The public agency shall provide public notice of the meeting at which it proposes to award the guaranteed energy savings contract, of the name of the parties to the proposed contract, and of the purpose of the contract. The public notice shall be made at least 10 days before the meeting. The public agency shall promptly publish in the central register notice of the award. The public agency shall promptly publish in the central register notice of the award and those public agencies other than state agencies and building authorities shall notify the commissioner of energy resources of such award and provide a copy of the guaranteed energy savings contract.

(j) The guaranteed energy savings contract shall include a written guarantee of the qualified provider that either the amount of energy savings guaranteed will be achieved or the qualified provider shall reimburse the public agency for the shortfall amount. Methods for measurement and verification of guaranteed savings shall conform to the most recent standards established by the Federal Energy Management Program of the United States Department of Energy. The commissioner of energy resources shall enforce the requirements of this section and regulations promulgated hereunder as they relate to public agencies except for state agencies and building authorities and shall have all the necessary powers to require compliance therewith. The commissioner of the division of capital asset management and maintenance shall enforce the regulations as they relate to state agencies and building authorities. Any order of the commissioner of energy resources under this subsection shall be effective and may be enforced according to its terms, and enforcement thereof shall not be suspended or stayed by the entry of an appeal therefrom. The superior court for Suffolk county shall have jurisdiction over appeals of orders of the commissioner of energy resources under this subsection, and shall also have jurisdiction upon application of the commissioner to enforce all orders of the commissioner under this subsection. The burden of proof shall be upon the appealing party to show that the order of the commissioner is invalid. An aggrieved person shall not be required to seek and order from the commission as a condition precedent to seeking any other remedy. The value of guaranteed savings may represent either all, or part of annual payments at the discretion of the agency. The guaranteed energy savings contract term for providing a guarantee, measurement and verification, maintenance, service and installment or lease payments shall not exceed 20 years. The division of capital asset management and maintenance, in concurrence with the state inspector general, shall promulgate regulations for the procurement of energy management services, including establishing safeguards to be included in guarantee energy savings contracts. The regulations shall require the submission, at least annually, of information as the commission of the division of capital asset management and maintenance and the state inspector general con-

sider necessary in order to monitor the costs and benefits of contracts for energy management services.

(k) Payments under a contract for energy management services may be based in whole or in part on any cost savings attributable to a reduction in energy and water consumption due to the contractor's performance or revenues gained due to the contractor's services which are aimed at energy and water cost savings.

(l) Unless no other manner of description suffices, and the public agency so determines in writing, setting forth the basis for the determination, all requirements shall be written in a manner which describes the requirements to be met without having the effect of exclusively requiring a proprietary supply or service, or a procurement from a sole source.

(m) Before entering into a guaranteed energy savings contract, the public agency shall require the qualified provider to file with the public agency a payment or a performance bond relating to the installation of energy savings measures, in an amount equal to 100 per cent of the estimated contract value from a surety company licensed to do business in the commonwealth and whose name appears on United States Treasury Department Circular 570.

(n) Guaranteed energy savings contracts may extend beyond the fiscal year in which they become effective.

SECTION 2. Subsection (a) of said section 11I of said chapter 25A, as appearing in section 1, is hereby amended by striking out the definition of "Public agency" and inserting in place thereof the following definition:-

"Public agency", a city, town, district including a regional school district, or a combination of 2 or more such cities, towns or districts, including regional school districts.

SECTION 3. Section 1 of chapter 30B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "thirty", in line 6, the following words:- , section 11I of chapter 25A.

SECTION 4. Section 2 shall take effect on January 1, 2007.

Emergency Letter: February 3, 2006 @ 11:17 A.M. Approved February 3, 2006.

Chapter 12. AN ACT ESTABLISHING A SICK LEAVE BANK FOR BARRY CONWAY, AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of correction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the Hampden county sheriff's department shall establish a sick leave bank for Barry Conway, an employee of the sheriff's department. Any employee of the department may voluntarily contribute 1 or more of his sick, personal or vacation days to the sick leave bank for use by Barry Conway. Whenever said Barry Conway terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved February 3, 2006

Chapter 13. AN ACT ESTABLISHING A SICK LEAVE BANK FOR MAUREEN QUINNEY, AN EMPLOYEE OF THE DEPARTMENT OF REVENUE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of revenue, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the department of revenue shall establish a sick leave bank for Maureen Quinney, an employee of the child support division of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Maureen Quinney. Whenever Maureen Quinney terminates employment with the department or request to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved February 3, 2006.

Chapter 14. AN ACT RELATIVE TO THE BOARD OF ASSESSORS OF THE TOWN OF PROVINCETOWN.

Be it enacted, etc., as follows:

SECTION 1 Article 4 of chapter 6 of the charter of the town of Provincetown, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out section 6-4-1 and inserting in place thereof the following section:-

Section 6-4-1. There shall be a board of assessors as provided in section 24 of chapter 41 of the General Laws consisting of 5 regular members and 1 alternate member. The

assessor appointed by the town manager pursuant to section 7-2-5 shall be a regular member of the board of assessors and the assessor shall not be subject to article 4 of chapter 3. The remaining members shall be appointed by the board of selectmen for 3-year overlapping terms so arranged that the term of at least 1 regular member shall expire each year.

SECTION 2. Said article 4 of said chapter 6 of said charter is hereby further amended by adding the following section:-

Section 6-4-3. The term limits established by section 3-4-4 shall not apply to members of the board of assessors.

SECTION 3. This act shall take effect upon its passage.

Approved February 3, 2006.

Chapter 15. AN ACT REVISING THE PROCEDURE FOR APPOINTING MEMBERS OF THE FINANCE COMMITTEE OF THE TOWN OF ARLINGTON.

Be it enacted, etc., as follows:

SECTION 1. Section 33 of chapter 503 of the acts of 1952 is hereby amended by inserting after the second sentence the following 3 sentences:- If the appointing committee is unable to secure an appropriate candidate from any precinct of the town, the committee may appoint a substitute member, preferably from an adjacent precinct, or a member-at-large to serve in place of the member from that precinct, but no precinct shall have more than 2 members, nor shall there be more than 3-at-large members at any given time. The term of a substitute or at-large member shall expire on October 31 of the fiscal year following the fiscal year in which the member was appointed. No substitute or at-large member shall be appointed to fill a vacant position on the finance committee unless no qualified applicant from the precinct applies for appointment before December 15.

SECTION 2. This act shall take effect upon its passage.

Approved February 3, 2006.

Chapter 16. AN ACT AUTHORIZING THE TOWN OF BREWSTER TO ESTABLISH AN AFFORDABLE HOUSING FUND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Brewster may establish and maintain a special fund to be known as the Affordable Housing Fund. Monies obtained through fines, restitution or damages collected in connec-

tion with the administration of any local affordable housing by-laws and programs may be deposited into the fund, as well as monies obtained through private and public gifts, contributions and grants, appropriations made by town meeting, and payments in lieu of affordable unit set asides and development agreement payments made under section 14 of chapter 716 of the acts of 1989.

SECTION 2. The town treasurer shall be custodian of the Affordable Housing Fund and may deposit proceeds in national banks or invest the proceeds in securities that are legal for the investment of funds of savings banks under the laws of the commonwealth or in federal savings and loan associations located in the commonwealth. Any interest earned on the fund shall be added to and become part of the fund.

SECTION 3. To preserve, promote and increase affordable housing within the town of Brewster, the board of selectmen may expend fund monies to pay for research, acquisition, creation, construction, repair, maintenance, rehabilitation, program administration, legal and engineering fees and other costs associated with and incurred for affordable housing, or take any other related action.

Approved February 3, 2006.

Chapter 17. AN ACT INCREASING THE TERM OF THE MODERATOR OF THE TOWN OF EASTHAM.

Be it enacted, etc., as follows:

Section 3-8-1 of charter of the town of Eastham, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out, in line 2, the words "one year" and inserting in place thereof the following words:- 3 years.

Approved February 3, 2006.

Chapter 18. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF HARWICH.

Be it enacted, etc., as follows:

SECTION 1. The following shall be the charter of the town of Harwich:-

TOWN OF HARWICH
CHARTER

PREAMBLE

We, the people of the town of Harwich, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of local government and to take the fullest advantages inherent in the home rule amendments to the constitution of the commonwealth, do hereby adopt the following charter for this town.

CHAPTER 1. TOWN INCORPORATION, FORM OF GOVERNMENT, AND POWERS

Section 1. Incorporation

1-1-1 The present town of Harwich, within its territorial limits as now or as may hereafter be established by law, is hereby continued as a body corporate and politic with perpetual succession under the name: Town of Harwich.

Section 2. Form of Government

1-2-1 This charter provides for an open town meeting-board of selectmen-town administrator form of town government, and it shall be known by the title: Harwich Charter.

Section 3. Scope and Construction of Town Powers

1-3-1 The town shall possess, exercise, and enjoy all powers possible under the constitution and statutes of the commonwealth as completely and fully as though they were expressly enumerated in this act.

Section 4. Construction of Charter

1-4-1 The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any measure the general powers of the town as stated in this chapter.

Section 5. Severability

1-5-1 If any provision of this charter is held invalid, the other provisions of the charter shall not be affected by that holding. If the application of this charter to any person or circumstance is held invalid, the application of this charter to other persons and circumstances shall not be affected by that holding.

Section 6. Intergovernmental Relations

1-6-1 Consistent with the provisions of law, the town may exercise any of its powers, perform any of its functions, or participate in the financing thereof, by contract or otherwise, jointly or in cooperation with any 1 or more municipalities, civil divisions, subdivisions, or agencies of the commonwealth, other states, or the United States government.

CHAPTER 2. TOWN MEETING

Section 1. Organization and Powers

2-1-1 The legislative powers of the town shall be exercised by a town meeting open to all registered voters of the town.

2-1-2 The town meeting shall consider and act upon all articles included in any town meeting warrant with or without amendments.

2-1-3 The town meeting shall possess and may exercise all powers granted under general law.

Section 2. Warrants

2-2-1 Warrants for all town meetings shall be issued by the board of selectmen and opened and closed in accordance with the by-laws, chapter 1, article 1, part 1-101.

2-2-2 The warrants for all town meetings shall be published in a newspaper of general circulation within the town at least 14 days before the meeting, and shall be posted in a public place in every precinct in the town at least 14 days before the meeting.

Section 3. Procedures

2-3-1 The annual election of town officers shall be called under clause 8-1-1 of chapter 8. The annual town meeting for transaction of other town business shall be held the first Monday in May.

2-3-2 A special town meeting may be called by the board of selectmen and shall be called by that board upon the request, in writing, of at least 200 registered voters of the town.

2-3-3 The quorum for the conduct of business for any town meeting shall be as provided by by-law.

2-3-4 In all procedural matters, the town meeting shall be governed by general law, this charter, and by-law.

Section 4. Initiative

2-4-1 By written petition to the board of selectmen, any 10 voters of the town may secure the inclusion of a subject in a warrant for the annual town meeting, and at least 100 registered voters may secure the inclusion of an article for any duly scheduled special town meeting.

Section 5. Moderator

2-5-1 A moderator, elected under clause 6-3-1, shall preside at all sessions of the town meeting.

Section 6. Simplified Rules of Procedure

2-6-1 Rules of parliamentary procedure in simplified form shall be prepared by the moderator and shall be included in the town meeting warrants prepared for distribution to town voters.

Section 7. Ad Hoc Committees

2-7-1 All ad hoc committees established by the town meeting shall be appointed by the moderator, unless the motion establishing any ad hoc committee shall name the members, provide for their election, or provide for a different appointing authority.

Section 8. Articles Having Fiscal Implications

2-8-1 All proposed operating expenditures shall be included in a single article in the town meeting warrant.

2-8-2 All articles involving an expenditure of town funds shall be considered by the finance committee which shall issue a written recommendation on all such articles. The chairman of the committee, or a designated representative, shall be present at the town meeting to provide verbal explanations of the committee's recommendations.

2-8-3 Unless the article has been submitted by petition under clause 2-4-1, no article calling for the appropriation of funds shall be included in any special town meeting warrant

unless the proposed expenditure has been recommended by the board of selectmen and the finance committee, acting separately at separate meetings.

Section 9. Compulsory Attendance

2-9-1 All town officers, the chairmen of town agencies, division directors, and department heads, or their duly designated representatives shall attend sessions of the town meeting when proposals affecting their particular office, agency, division, department, or function are included in the warrant. The absence of these persons shall not invalidate the actions of the town meeting.

CHAPTER 3. BOARD OF SELECTMEN

Section 1. The Board of Selectmen

3-1-1 A board of selectmen of 5 members shall be elected at-large for 3-year overlapping terms.

3-1-2 Vacancies in the office of selectmen shall be filled by special election in accordance with general law.

Section 2. Policy Leadership Responsibilities

3-2-1 Except as otherwise provided by this charter, all executive powers of the town shall be vested in the board of selectmen. The board of selectmen shall have all of the powers and duties given to boards of selectmen under the constitution and General Laws of the commonwealth, and any additional powers and duties that may be authorized by the charter, by by-law, or by any other town meeting vote.

3-2-2 The board of selectmen shall cause the laws and orders for the government of the town to be enforced and shall cause an up-to-date record of all its official acts to be kept.

3-2-3 The board of selectmen shall serve as the chief policy-making agency of the town and, as such, shall not normally administer the day-to-day affairs of the town, but shall instead regularly direct the town administrator to help it in carrying out its administrative duties and make recommendations to the town meeting relating to actions required to be taken by that body.

Section 3. General Powers, Duties and Responsibilities

3-3-1 The board of selectmen shall have the power to enact rules and regulations establishing town policies not otherwise governed by general law, this charter, or by-law, but whenever an appropriation shall be necessary to implement an action, the vote of the board shall be effective only if the appropriation has been authorized by town meeting.

Section 4. Powers of Investigation

3-4-1 The board of selectmen may conduct investigations and may authorize the town administrator or other agent to investigate the affairs of the town and the conduct of any town department, office, or agency, including any doubtful claims against the town, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The report of these investigations shall be placed on file in the office of the town clerk, and a report summarizing the investigation shall be printed in the next town report.

Section 5. Specific Powers, Duties, and Responsibilities

3-5-1 The board of selectmen shall be recognized as head of the government for all ceremonial purposes.

3-5-2 The board of selectmen shall act as the licensing authority of the town and shall have the power and responsibility to issue licenses, to make all necessary rules and regulations regarding the issuance of licenses, and to attach conditions and impose any restrictions that it considers to be in the public interest, and further, to enforce, or cause to be enforced, the laws, rules and regulations relating to all businesses for which it issues licenses.

3-5-3 The board of selectmen shall have the authority to designate from time to time 1 or more of its members to sign warrants for the payment of town funds in the absence of the town administrator as referenced in clause 4-6-1. This designation shall be by a majority of the board at a duly-called and held public meeting. The vote shall take effect as soon as a written copy of it signed by a majority of the board is filed in the offices of the town clerk, town accountant and town treasurer.

Section 6. Powers of Appointment

3-6-1 Except as may otherwise be provided by General Laws, this charter, or the personnel by-law, the board of selectmen shall have the power to appoint and remove: a) a town administrator as provided in chapter 4; b) a town counsel; c) a town accountant; d) a police chief; e) a fire chief; f) 3 assessors for overlapping 3-year terms; g) 3 members of a board of registrars of voters for overlapping 3-year terms; h) election officers; and i) 1 or more constables.

3-6-2 The board of selectmen shall also have the power to appoint members of policy-making town agencies enumerated in chapter 7 and other agencies that are in existence on the effective date of this charter and for whom no other method of appointment is provided in this charter. Unless otherwise provided, the board shall also appoint members of other agencies as may be hereafter established by general law, charter, by-law, vote of the town meeting or vote of the board of selectmen.

Section 7. Prohibitions

3-7-1 Except for the purpose of investigation authorized by this charter, the board of selectmen or its members shall deal with town officers and employees who are subject to the direction and supervision of the town administrator solely through the town administrator, and neither the board nor its members shall give orders to these officers or employees, either publicly or privately.

3-7-2 Members of the board of selectmen shall be ineligible to serve as members of any appointive town agency.

3-7-3 Members of the board of selectmen shall be eligible to serve, to the extent permitted by law, as ex officio members of appointed and elected town agencies.

CHAPTER 4. THE TOWN ADMINISTRATOR

Section 1. Appointment

4-1-1 The board of selectmen, by an affirmative vote of at least 4 members, shall appoint a town administrator for an indefinite term to serve at its pleasure.

4-1-2 In selecting a town administrator, the board of selectmen shall search for candidates by placing an advertisement in the International City Management Association Newsletter or similar professional publication and in at least 2 newspapers having statewide or regional circulation.

Section 2. Qualifications

4-2-1 The town administrator shall be appointed on the basis of educational, executive and administrative qualifications and experience. The educational qualifications shall consist of at least a bachelor's degree, preferably in public administration, granted by an accredited degree-granting college or university. The professional experience shall include at least 5 years of prior full time, compensated executive service in public or business administration. Alternately, 2 years or more of professional experience and a master's degree in an appropriate discipline shall qualify any applicant.

Section 3. Duties

4-3-1 The town administrator shall be the chief administrative officer of the town and shall be responsible for administering and coordinating all employees, activities and departments placed by general law, this charter, or by-law under the control of the board of selectmen and of the town administrator.

4-3-2 The town administrator shall devote full working time to the duties of that office, shall not become a candidate for, or hold, any elective office during the term of appointment; and shall not engage in any business activity during the term, except with the written consent of the board of selectmen. The town administrator shall:

(a) Attend all meetings of the board of selectmen, except when excused, and have the right to speak but not to vote.

(b) Assemble, prepare, and present to the board of selectmen the annual operating budget of the town.

(c) Develop and annually revise the capital outlay plan in consultation with the capital outlay committee.

(d) Be responsible for seeing that the budget is administered and expended as adopted by the town meeting and in accordance with general law, this charter, and by-law.

(e) Keep the board of selectmen informed regarding all departmental operations, fiscal affairs, general problems, and administrative actions, and to this end submit regular reports to the board.

(f) Keep the board informed regarding the availability of state and federal funds and how such funds might relate to unmet short-range and long-range needs.

(g) Have the authority to seek and apply for grants.

(h) In the absence of a personnel director, be responsible for the day-to-day administration of the personnel system and by-law, and administer and enforce collective bargaining contracts, the personnel by-law, and rules and regulations adopted by the board of selectmen.

(i) Be responsible for the purchasing of services, supplies, materials, and equipment for all town divisions, departments, and offices, excepting those for the school department, the water department and the Brooks Free Library.

(j) Coordinate, with the approval of the board of selectmen, the administrative activities of all town agencies and officers concerned with the physical, economic, and environmental development of the town.

(k) Develop, keep, and annually update a full and complete inventory of all property of the town, except school property, both real and personal.

(l) Convene regular meetings of the management advisory team established by clause 5-3-3.

(m) Negotiate collective bargaining contracts on behalf of the board of selectmen, unless the board shall have designated another negotiator.

(n) Perform such other duties as may be required by this charter, by-law, or vote of the board of selectmen.

Section 4. Responsibilities for Appointments

4-4-1 Except as may otherwise be provided by General Laws, this charter, or the personnel by-law, and subject to the approval of 3 or more affirmative votes of the board of selectmen, the town administrator shall have the power to appoint, on the basis of merit and fitness alone, and remove division directors, department heads, and an assistant town administrator.

4-4-2 Except as may otherwise be provided by General Laws, this charter, the personnel by-law, or collective bargaining, the town administrator shall have the authority to appoint, on the basis of merit and fitness alone, and remove: a) all full-time town employees; b) all part-time employees; c) all employees of appointed town agencies; d) 1 or more inspectors; and e) all other full-time, part-time or seasonal employees. Any such appointments or removals may be overturned only by the affirmative vote of at least 4 selectmen taken within 14 days of the town administrator's action in initiating such appointment or removal.

Section 5. Responsibilities for Administrative Reorganization

4-5-1 The town administrator may, with the approval of the affirmative vote of at least 3 members of the board of selectmen, establish, reorganize, consolidate or abolish any division, department or position placed by this charter under the town administrator's direction and supervision, except as otherwise provided by general law, this charter or vote of town meeting.

4-5-2 The creation of any new full-time, compensated position which requires the approval of the board of selectmen shall not become effective until the position has been funded by a vote of town meeting.

Section 6. Responsibilities for Disbursements

4-6-1 The town administrator shall have the authority to issue warrants for the payment of town funds, and the town administrator's signature on warrants will be sufficient

authorization for payment of them by the town treasurer. In the absence of the town administrator or in the event of a vacancy in that office, warrants may be signed by the person or persons designated by the board of selectmen under clause 3-5-3.

Section 7. Evaluation

4-7-1 The board of selectmen shall annually evaluate the performance of the town administrator. The board shall adopt a written set of procedures and criteria which shall form the basis for the evaluation.

4-7-2 A copy of the evaluation shall be provided to the town administrator.

Section 8. Removal

4-8-1 The board of selectmen, by the affirmative vote of at least 3 members, may initiate the removal of the town administrator by adopting a resolution to that effect, stating the reasons for the removal, but no such resolution shall be adopted within 90 days following any town election that has resulted in a change in the incumbents on the board. The vote initiating removal shall be taken at a regular scheduled public meeting of the board and in open session.

4-8-2 The adoption of this resolution shall serve to suspend the town administrator for a period of not more than 45 days during which the salary shall continue to be paid. A copy of this resolution shall be delivered immediately to the town administrator in person, or sent by registered mail to the town administrator's place of residence.

4-8-3 Within 5 days after the receipt of this resolution, the town administrator may file a written request for a public hearing. If a hearing is requested, the board shall schedule it within 2 weeks, and it shall be held in a public place. At least 7 days before the public hearing, the board shall advertise the hearing in a newspaper of local circulation and shall cause identical notices citing the purpose, location, time and date to be posted in the town hall and in 3 other places of public access within the town.

4-8-4 The moderator shall preside at this hearing.

4-8-5 At the hearing, the reasons for the removal shall first be read aloud. The town administrator shall then have the right to respond, either personally or through counsel. The board of selectmen and the town administrator shall have the right to call witnesses and to subpoena town records.

4-8-6 Final removal of any town administrator shall be effected by the affirmative vote of at least 3 members of the board of selectmen at a public meeting of the board held within 7 days of the public hearing, if requested. If no hearing has been requested, final removal may be effected by an affirmative vote of at least 3 members, at a public meeting of the board held not earlier than 14 days after the vote initiating the removal. The salary of the town administrator shall continue to be paid for a period of 60 days after the vote effecting removal from office.

4-8-7 The town administrator shall provide the board of selectmen with at least 30 days notice of an intended resignation, but the board may, at its discretion, shorten or waive this requirement.

Section 9. Filling Vacancy

4-9-1 When a vacancy arises in the office of the town administrator, the board of selectmen shall advertise the vacancy as soon as possible. The board shall fill the vacancy as soon as reasonably possible.

Section 10. Assistant Town Administrator/Acting Town Administrator

4-10-1 The assistant town administrator shall perform the duties that are assigned by the town administrator and, from time to time as necessary, shall perform the duties of that office until the board of selectmen designate a temporary administrator under clause 4-10-2. The assistant town administrator shall be appointed under clause 4-4-1.

4-10-2 The board of selectmen shall designate, within 10 days after a vacancy occurs, a town employee, a member of the board of selectmen or other person to exercise the rights and perform the duties of the town administrator during any vacancy caused by temporary absence, suspension, removal, resignation or death of the town administrator. The appointment shall be for a period not to exceed 90 days, and it may be renewed, in the case of suspension, removal, resignation, or death only once for an additional period not to exceed 90 days. The appointee shall be eligible for appointment as town administrator.

CHAPTER 5. TOWN ADMINISTRATIVE ORGANIZATION

Section 1. General

5-1-1 The administrative functions of the town government shall be performed within the organizational framework of 2 or more divisions and several departments.

5-1-2 The divisions shall include: a division of finance, a division of highways and maintenance, and any other divisions established under clause 4-5-1.

5-1-3 The departments shall include: a police department, a fire department, a planning department, and any other departments established under clause 4-5-1.

5-1-4 Responsibility for the functions administered within the several divisions and departments shall be vested in the town administrator unless otherwise provided by the general laws, this charter, or the by-laws.

5-1-5 Except as otherwise provided in this chapter, the town administrator, with the approval of the board of selectmen, shall designate those divisions to be supervised by a division director and those, if any, to be supervised by the town administrator. If the town administrator is designated to act as director of 1 or more divisions, the town administrator shall serve in this additional capacity without additional compensation.

5-1-6 With the approval of the town administrator, a division director, other than the town administrator, may be designated as head of 1 or more departments within the division director's division, but if so designated the division director shall serve in this additional capacity without additional compensation.

5-1-7 Employees or officers of the town who are designated as directors of divisions shall be appointed under clause 4-4-1. These persons shall plan, organize, schedule, coordinate, and budget the activities of the several departments placed by this charter or by administrative reorganization within a particular division.

Section 2. Division of Finance

5-2-1 The administrative functions of assessment, tax and fee collections, receipts and disbursements, purchasing, and others of a fiscal nature shall be carried out within a division of finance.

Section 3. Division of Highways and Maintenance

5-3-1 A division of highways and maintenance shall be established under the direction of an appointed officer, to be known as the director of highways and maintenance.

5-3-2 The division shall be responsible for: a) the construction, maintenance, repair, and cleaning of roads, highways, and streets; b) the collection, if any, and disposal of solid waste and the maintenance and operation of all facilities for the disposal of solid waste; c) the preservation, care, maintenance, and improvement of all town-owned cemeteries; d) the care and maintenance of public grounds, including parks; e) the planting, care and pruning of all shade trees growing on town-owned land; f) the servicing, maintenance and repair of all automotive vehicles and vehicular equipment owned by the town, except as otherwise determined by the board of selectmen or in cases of emergency; g) the repair and maintenance of town-owned buildings; h) the care, maintenance, and cleaning of parking lots, public beaches, and of the land-side and grounds of town harbors; and, i) other public works functions that may be assigned by this charter or by-law.

5-3-3 A management advisory team shall be established within the division. The team shall include the director of the division, department heads, the town engineer, the superintendent of the water department, and any other persons appointed to the team by the town administrator. The team shall provide advice to the director on all matters relating to the functions of the division. Regular meetings of the team shall be held under subsection (1) of clause 4-3-2 of this charter.

Section 4. Police Department

5-4-1 A police department shall be established under a chief of police. The board of selectmen shall appoint the chief of police and other officers that they consider necessary, as provided by section 97A of chapter 41 of the General Laws.

Section 5. Fire Department

5-5-1 A fire department shall be established under a fire chief, who shall be appointed by the board of selectmen.

Section 6. Planning Department

5-6-1 A planning department shall be established under a town planner, who shall be appointed under clause 4-4-1.

5-6-2 The town planner shall be professionally qualified for the duties of that office by reason of education, training and experience, and shall provide services under the general policy direction of the planning board, subject to the day-to-day supervision of the town administrator.

CHAPTER 6. ELECTED TOWN OFFICERS AND TOWN AGENCIES

Section 1. General Provisions

6-1-1 The officers and town agencies to be elected by vote of the town shall be: a moderator, a town clerk, a board of selectmen as provided in chapter 3, a school committee, a water commission, a board of library trustees, and a housing authority.

6-1-2 Town agencies established or continued under this chapter shall perform their functions and duties in accordance with the constitution, general law, this charter, and by-laws.

6-1-3 No members of any elected town agency established or continued under this chapter shall be eligible to accept any appointed, paid position under that agency. This prohibition shall apply to the term for which an office holder has been elected, and for 1 year following the expiration of that term of office.

Section 2. Vacancies

6-2-1 Except as otherwise provided, vacancies in elected town agencies established or continued under this chapter shall be filled by the board of selectmen together with the remaining members of the respective board, under general law.

Section 3. Moderator

6-3-1 A moderator shall be elected for a 3-year term. The moderator shall: a) preside at all town meetings; b) appoint the members of the finance committee; c) appoint ad hoc committees of the town meeting under clause 2-7-1; d) preside at any hearing called to discuss the suspension or removal of the town administrator; and e) annually attend at least 3 meetings of the finance committee.

Section 4. Town Clerk

6-4-1 A town clerk shall be elected for a 3-year term.

6-4-2 The town clerk shall carry out the duties that are, provided by general law, this charter, by-law or by vote of the town meeting.

Section 5. School Committee

6-5-1 A school committee of 5 members shall be elected at large for 3-year overlapping terms.

6-5-2 The school committee shall conduct a public hearing prior to submitting a budget to the town administrator. The committee shall have preliminary summaries of its recommendations available at this hearing which shall be distributed to those requesting them.

6-5-3 Except as otherwise voted by the town, the school committee shall be responsible for the maintenance and repair of all school buildings.

Section 6. Water Commission

6-6-1 A water commission of 3 members shall be elected for 3-year overlapping terms.

6-6-2 The water commission shall possess and exercise all powers given to this board under chapter 165 of the acts of 1935.

6-6-3 The commission shall appoint a water superintendent, and shall request this officer to cooperate with, and be responsive to, requests from the town administrator's office.

Section 7. Library Trustees

6-7-1 A board of library trustees of 7 members shall be elected for 3-year overlapping terms.

6-7-2 The board shall be responsible for the administration and operation of the Brooks Free Library, including appointment of professional library staff, acquisitions of books, journals, periodicals, and other materials relating to the library function, and the promulgation of library rules and regulations.

Section 8. Housing Authority

6-8-1 There shall be a housing authority of 5 members, 1 of whom shall be appointed under authority of the commonwealth and 4 of whom shall be elected. The elected members shall serve 5-year overlapping terms.

CHAPTER 7. APPOINTED TOWN AGENCIES

Section 1. Advertising of Vacancies and Appointing Town Agencies

7-1-1 To ensure a diverse citizen representation on all appointed town agencies, the board of selectmen shall make a concerted effort to seek out qualified persons from the town when filling vacancies, and year-round Harwich residents shall be given preference for appointment to any town agency.

7-1-2 To further promote a maximum level of qualified, active, and interested citizen participation on appointed town agencies, the board of selectmen shall advertise all vacancies and impending appointments. This advertising shall enumerate the vacancies that are to be filled and shall solicit the submission of a citizen activity record form from persons willing and able to serve. The advertisements shall be published in a newspaper of general circulation in the town and shall be made once a week for a minimum of 2 weeks after the vacancy arises.

7-1-3 The board of selectmen shall give careful consideration to statutory, regulatory and by-law requirements for appointments to town agencies and shall consider any specific recommendations from the chairman of an agency when filling vacancies.

7-1-4 Before making appointments to the finance committee, the moderator shall also make an effort to seek out qualified persons to serve and shall cause a notice to be published enumerating the vacancies to be filled and setting forth the location, time and date when the moderator will be available to interview persons willing and able to serve. The advertising of vacancies on the finance committee shall also be published in a newspaper of general circulation in the town and shall be made once a week for a minimum of 2 weeks after a vacancy arises.

Section 2. General Provisions

7-2-1 Town agencies established by or continued under this chapter shall possess and exercise all powers given to them under the constitution and Laws of the commonwealth and shall have and exercise such additional powers and duties as may be authorized by this charter, by-law, or vote of the town meeting.

7-2-2 All town agencies of the town shall; a) organize annually; b) elect necessary

officers; c) adopt rules of procedure and voting; d) maintain minutes and records of attendance, copies of which shall be a public record and regularly filed with the town clerk; and e) nominate prospective employees of their choice, who shall then be considered for appointment by the town administrator, as provided in clause 4-4-2.

7-2-3 All town agencies shall meet with the board of selectmen at least once in each year.

7-2-4 All town agencies shall conduct their meetings under the open meeting provisions of the Open Meeting Law.

7-2-5 Members of town agencies established or continued under this chapter may receive such compensation for their services as may be authorized by the town meeting, unless prohibited by the General Laws of the commonwealth. During the term for which a member is appointed and for 1 year following expiration of that term, no member of any appointed town agencies shall be eligible to accept a paid position in that agency.

7-2-6 Any person duly appointed to a town agency shall take up the duties of that office immediately upon taking the oath of office.

7-2-7 The unexcused absence, without good cause, of a member from 4 or more consecutive meetings of a town agency shall serve to vacate the office. When a vacancy has been created, it shall be filled in accordance with general law and this charter. It is expected that committee members will attend at least 75 per cent of scheduled meetings.

7-2-8 Except as otherwise provided by the laws of the commonwealth of Massachusetts or elsewhere in this charter, a quorum of any town agency established or continued under this charter shall consist of a majority of the members required to be appointed to that town agency.

7-2-9 Actions of all appointed Boards, Committees and Commissions shall be governed by this charter and Massachusetts General Laws.

Section 3. Change in Composition of Appointed Town Agencies

7-3-1 The town meeting may, by by-law, enlarge or decrease the number of persons to serve as members of appointed town agencies established or continued under this charter but all town agencies shall consist of an odd number of voting members.

Section 4. Board of Health

7-4-1 A board of health of 5 members shall be appointed by the board of selectmen for 3-year overlapping terms. One member, at least, shall be a doctor of medicine, or a person with significant experience in public health.

7-4-2 A health director shall be appointed by the town administrator, as provided in clause 4-4-1. The health director shall be subject to the day-to-day supervision of the town administrator within the scope of the general policy and direction established by the board of health.

Section 5. Planning Board

7-5-1 A planning board of 9 members and 2 alternate members shall be appointed by the board of selectmen for 3-year overlapping terms.

7-5-2 The planning board shall make recommendations to the town administrator and to the board of selectmen on all matters concerning the physical, economic, and environmental development of the town.

7-5-3 The planning board shall be responsible for the development and periodic updating of a master plan or portions of it. A summary of the plan shall be submitted to the town meeting, which shall act on it, with or without amendments.

7-5-4 After the summary has been acted on by the town meeting, the planning board shall use the plan in making zoning and other recommendations to the town meeting. The board shall report annually on the status of the master plan.

7-5-5 Whenever the planning board recommends proposed amendments to the zoning by-law, it shall provide explanations of its recommendations to the town meeting.

Section 6. Board of Assessors

7-6-1 A board of assessors of 3 members shall be appointed by the board of selectmen for 3-year overlapping terms. One member, at least, shall be professionally qualified for the duties of the office.

7-6-2 The deputy assessor shall be subject to the day-to-day supervision of the town administrator within the scope of the general policy and direction established by the board of assessors.

Section 7. Conservation Commission

7-7-1 A conservation commission of 7 members and 2 alternate members shall be appointed by the board of selectmen for 3-year overlapping terms.

7-7-2 The conservation administrator shall be subject to the day-to-day supervision of the town administrator within the scope of the general policy and direction established by the conservation commission.

Section 8. Council on Aging

7-8-1 A council on aging of 9 members shall be appointed by the board of selectmen for 3-year overlapping terms.

7-8-2 The director of the council on aging shall be subject to the day-to-day supervision of the town administrator within the scope of the general policy and direction established by the council on aging.

Section 9. Historical Commission

7-9-1 A historical commission of 7 members shall be appointed by the board of selectmen for 3-year overlapping terms.

Section 10. Recreation and Youth Commission

7-10-1 A recreation and youth commission of 7 members shall be appointed by the board of selectmen for 3-year overlapping terms.

7-10-2 The commission shall develop and carry out programs designed to meet the opportunities, challenges and problems of youth in the town of Harwich. It shall be responsible for the development of comprehensive, year-round, indoor and outdoor recreation programs and policies including management of beach and pond activities and properties. These policies and programs shall be designed to meet the recreational needs of

children, youth, adults and the elderly.

7-10-3 The policies adopted by the commission shall be administered by the director of youth and recreation who shall be subject to the day-to-day supervision of the town administrator within the scope of the general policy and direction established by the commission.

Section 11. Cultural Council

7-11-1 A cultural council of 5 members shall be appointed by the board of selectmen for 3-year overlapping terms in accordance with the General Laws of the commonwealth. Members shall not be eligible to serve more than 2 consecutive terms.

Section 12. Zoning Board of Appeals

7-12-1 A zoning board of appeals of 5 members and 5 associate members shall be appointed by the board of selectmen for 3-year overlapping terms.

Section 13. Golf Committee

7-13-1 A golf committee of 7 members shall be appointed by the board of selectmen for 3-year overlapping terms.

7-13-2 The committee shall have full power and responsibility for the maintenance and operation of the municipal golf course.

7-13-3 The director of golf operations, or employee having the general powers of supervision of the golf course shall be under the day-to-day supervision of the town administrator within the scope of the general policy and direction established by the golf committee.

Section 14. Waterways Committee

7-14-1 A waterways committee of 7 members and 2 alternate members shall be appointed by the board of selectmen for 3-year overlapping terms and shall be advisory to that board.

7-14-2 The waterways committee shall be responsible for the development of regulations for all waterways including marine ramps, docks, piers, moorings, and aquaculture.

7-14-3 The harbormaster shall administer the policies adopted by the board of selectmen and shall be subject to the day-to-day supervision of the town administrator within the scope of the general policy and direction established by the waterways committee.

Section 15. Cemetery Commission

7-15-1 A cemetery commission of 3 members shall be appointed by the board of selectmen for 3-year overlapping terms.

7-15-2 The commission shall be responsible for the administration of cemetery funds, and shall develop policies for the management of town-owned cemetery properties.

7-15-3 The policies adopted by the commission shall be administered by the cemetery administrator who shall be subject to the day-to-day supervision of the town administrator within the scope of the general policy and direction established by the commission.

Section 16. By-law/Charter Review Committee

7-16-1 A by-law/charter review committee of 5 members shall be appointed by the board of selectmen for 3-year overlapping terms. The committee shall regularly review the by-laws of the town and submit proposed revisions to the town meeting at least once every 5 years. In addition, the committee shall regularly review the charter and submit proposed amendments to it to the board of selectmen under section 2 of chapter 10 of this charter.

7-16-2 The by-law/charter review committee shall also be responsible for reviewing all articles proposing to change the by-laws or charter, and all such articles shall be submitted by the board of selectmen to the by-law/charter review committee not later than 14 days after the deadline for submission of articles.

Section 17. Historic District Commission

7-17-1 A historic district commission shall be appointed by the board of selectmen in accordance with the General Laws as outlined in article V of the by-laws.

CHAPTER 8. ELECTION AND RECALL

Section 1. Town Elections

8-1-1 The regular election for all town officers who are chosen by ballot shall be held the third Tuesday in May. The warrant calling this election may include other ballot questions as determined by the selectmen.

8-1-2 All general law provisions with regard to town elections shall apply, except as otherwise provided by this charter.

Section 2. Town Elections to be nonpartisan

8-2-1 All town elections shall be nonpartisan, and election ballots shall be printed without any party mark or designation whatsoever.

Section 3. Eligibility of Town Voters

8-3-1 Any registered voter of the town shall be eligible for election to any elective office or board of the town.

Section 4. Time of Taking Office

8-4-1 Any person duly elected to any office or board shall take up the duties of that office immediately following that person's certification.

Section 5. Recall of Elective Officers

8-5-1 Any elected officer of the town may be recalled and removed from office by the voters as provided in this section. Any voter may file with the town clerk an affidavit signed and sworn to under the penalty of perjury containing the name and title of the elected officer whose removal is sought and a statement of grounds for recall. The town clerk shall then deliver to the voter a sufficient number of copies of petition blanks demanding the recall. The blanks shall be issued by the town clerk and shall contain the town clerk's official seal and signature. The petitions shall be dated and addressed to the board of selectmen, and shall contain the name of the person to whom they are issued, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit, and a demand for the election of a successor to the office.

For all elected officers, the petition must be signed by at least 20 per cent of the qualified voters of the town registered at the last regular town election. The recall petition

must be filed within 14 days after its initial date of issuance.

8-5-2 The town clerk and board of registrars shall, within 7 days after receipt of the petition, certify the names on the petition. If the petition shall be found and certified by the town clerk to be sufficient, the town clerk shall without delay submit it with a certificate to the board of selectmen. The board of selectmen shall immediately schedule a recall election to be held not earlier than 64 days after the date the election is called, and not later than 90 days after the date the election is called, but if the regular town election or another special election shall be held within 100 days after the date of the certificate that a sufficient petition has been filed and if that election is at least 64 days after the date the election is called, the board of selectmen shall postpone the holding of the recall election to the date of this other election and shall order the recall election to be held at the same time. All procedures for voting upon the recall question and filling any vacancy caused by the recall of an officer shall be in the manner provided by general law for the conduct of elections.

8-5-3 Any officer whose removal is sought may be a candidate to succeed to the same office and, unless the officer requests otherwise in writing, the town clerk shall place the name of the officer on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of that election, shall all be in accordance with the law relating to elections. The form of the question to be voted upon shall be substantially as follows:

"Shall (here insert the name and title of the elective officer whose recall is sought) be recalled? Yes ___ No ___"

Under the ballot question shall appear the word "Candidates" and the directions for voters as required by law, and below that shall be the names of candidates nominated.

8-5-4 If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected if at least 25 per cent of those qualified to vote in the election shall have voted on the question of recall. If a majority of votes on the question of recall is in the negative, or if less than 25 per cent of those qualified to vote have voted on the question of recall, the ballots for the candidates shall not be counted.

CHAPTER 9. FINANCIAL PROVISIONS AND PROCEDURES

Section 1. Finance Committee

9-1-1 A finance committee of 9 members shall be appointed by the moderator for 3-year overlapping terms. No member shall serve more than 3 consecutive terms. Any member who has been appointed for a period of at least 2 years to complete an unexpired term shall be deemed to have served a full 3-year term, and any member who has been appointed for a period of less than 2 years to complete an unexpired term shall be eligible to serve 3 consecutive 3-year terms in addition to the period of the unexpired term.

9-1-2 Any person duly appointed to the finance committee shall take up the duties of the office on July 15 of each year.

9-1-3 Vacancies in the finance committee shall be filled by the moderator within 30 days after the moderator has been notified, in writing, of the vacancy on the committee. Any

person appointed to fill out an unexpired term shall take up the duties immediately upon taking the oath of office.

9-1-4 No member of the finance committee shall hold any other elected or appointed town office, except for membership in the capital outlay committee.

Section 2. Submission of Budget and Budget Message

9-2-1 On or before the first day of October of each year, the town administrator shall present the board of selectmen with the current financial assessment of the town including the latest estimated revenues for the ensuing fiscal year and any specific related fiscal data.

9-2-2 On or before the first Tuesday of October of each year, the board of selectmen, after consulting with the town administrator, shall issue a general policy statement to guide the town administrator in developing the budget requests for the ensuing year.

9-2-3 All division directors, department heads and town agencies shall submit their budget requests to the town administrator on or before the first Friday in November of each year.

9-2-4 On or before the second Tuesday in January, the town administrator shall submit to the board of selectmen a comprehensive budget for all town functions for the ensuing fiscal year and shall submit to the selectmen a budget message.

9-2-5 The budget message shall explain the budget both in fiscal terms and in terms of what specific projects are contemplated in the year ahead. It shall: a) outline the proposed financial policies of the town for the ensuing fiscal year; b) describe the important features of the budget; c) indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes; d) summarize the town's debt position; and e) include other material that the town administrator may consider appropriate.

9-2-6 The budget shall provide a complete financial plan for all town funds and activities and shall be in the format that the finance committee may suggest, if the format suggested is compatible with commonly-accepted standards of municipal budgeting. The budget shall indicate proposed expenditures for both current operations and capital projects during the ensuing fiscal year, detailed by divisions, departments, offices, and town agencies.

Section 3. Action on the Proposed Budget

9-3-1 The board of selectmen and the finance committee shall meet jointly or severally in budget hearings that are considered necessary to adequately review the proposed budget of the town administrator.

9-3-2 On or before the first Tuesday in March of each year, the board of selectmen shall submit to the finance committee a budget which has been approved with or without amendments to the town administrator's proposed budget.

9-3-3 The finance committee shall conduct 1 or more public hearings on the proposed budget after it has been submitted to it by the selectmen and by March 31 of each year shall submit its written recommendations on the budget and on all articles to appear in the warrant. These written recommendations shall be made available for distribution to the public at least

10 days before the scheduled date of town meeting. To assist in its preparation of recommendations, the committee may require the town administrator, the head of any division or department or any other town officer or member of a town agency to furnish it with appropriate data.

9-3-4 The board of selectmen shall present the budget to town meeting.

Section 4. Budget Adoption

9-4-1 The town meeting shall adopt the budget, with or without amendments, before the beginning of the fiscal year.

Section 5. Capital Outlay Committee

9-5-1 A capital outlay committee of 7 members shall be appointed for 3-year overlapping terms. Two members shall be appointed by the finance committee, 2 members shall be appointed by the board of selectmen, 1 member shall be appointed by the planning board, and 2 members shall be appointed by the town administrator.

9-5-2 The capital outlay committee shall assist the town administrator in the development of the capital outlay plan.

Section 6. Capital Outlay Plan

9-6-1 The purpose of the 7-year capital outlay plan is to provide the town with a long-range forecast of the town's capital improvement needs and to attempt to keep debt borrowing levels as even as possible from year to year.

9-6-2 A capital outlay shall be defined as the acquisition, construction, or renovation of buildings, equipment or land having a total cost of at least $100,000 during any budget year or planning funds for any capital outlays, except that the acquisition of land for conservation, open space, or watershed purposes is excluded from this definition.

9-6-3 The town administrator shall submit a 7-year capital outlay plan which shall consist of the 6 remaining years of the previously voted plan plus 1 additional year as the seventh year of the plan, to a joint meeting of the board of selectmen and the finance committee, during the month of December of each year.

9-6-4 The board of selectmen shall hold a joint public meeting on the submitted capital outlay plan with the finance committee and the capital outlay committee on or before the second Friday in January.

9-6-5 The board of selectmen shall prepare articles to be included in the May annual town meeting warrant, seeking adoption of the 7-year capital outlay plan, and funding of the current year of that plan.

9-6-6 A simple majority vote of the town meeting shall be required to adopt the 7-year capital outlay plan as submitted.

9-6-7 Additions, revisions or amendments to the first 6 years, as outlined in clause 9-6-3 above, of the submitted 7-year capital outlay plan shall be done as amendments to the main motion adopting the plan, and shall require a two-thirds majority vote.

9-6-8 If any part of the current year of the plan fails to receive funding at the annual town meeting, the unfunded portion shall be dropped from the plan and may only be reinstated under clause 9-6-3 or clause 9-6-7, above.

9-6-9 If any part of the current year of the plan receives funding support at the annual town meeting but fails at any necessary debt exclusion, capital exclusion or Proposition 2 1/2 override ballot votes, the unsupported portion shall be returned to the 7-year capital plan in year 1 of the next 7-year plan, and will be subject to clause 9-6-7, above.

9-6-10 Any article included in an annual or special town meeting warrant, which requests a capital outlay as defined in clause 9-6-2, above, shall be considered an amendment to the capital outlay plan and shall require a two-thirds majority vote.

Section 7. Notice of Public Hearing on Capital Outlay Plan

9-7-1 The finance committee shall publish, in 1 or more newspapers of general circulation in the town, the general summary of the capital outlay plan and a notice stating: a) the times and places where copies of the capital outlay plan are available for inspection; and b) the date, time, and place, not less than 7 days after the publication, when the committee shall conduct a public hearing on the plan.

Section 8. Annual Audit

9-8-1 Before the end of each fiscal year, the board of selectmen shall retain a certified public accountant or a certified accounting firm to make an audit of all town accounts, books, records, and transactions of every division, department, office and town agency.

9-8-2 A copy of every auditor's report shall be filed with the town clerk, shall be a public record, and the entire report and a summary of it shall be available for inspection at the office of the town clerk.

CHAPTER 10. ADDITIONAL PROVISIONS

Section 1. Continuation of Existing Laws

10-1-1 Except as otherwise specifically provided in this charter, all special laws, town by-laws, votes, rules and regulations of or pertaining to the town which are in force when this charter takes effect and which are not inconsistent with this charter shall continue in full force and effect until amended or rescinded by law or until they expire by their own limitation.

Section 2. Charter Amendment

10-2-1 This charter may be replaced, revised, or amended in accordance with the procedures made available by article 89 of the amendments to the constitution of the commonwealth, commonly known as the Home Rule Amendments, and chapter 43B of the General Laws, commonly known as the Home Rule Procedures Act.

Section 3. Definitions

10-3-1 Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this charter shall have the following meanings:

(a) Ad Hoc Committee. The words "ad hoc committee" shall mean a committee appointed to carry out a specific task, at the completion of which it automatically ceases to exist.

(b) By-laws. The word "by-laws" shall mean the general by-laws of the town and shall not include the zoning by-laws of the town.

(c) Certification. The word "certification" shall mean that person has been declared elected.

(d) Charter. The word "charter" shall mean this Harwich charter and any amendments to it made through any of the methods provided under article 89 of the amendments to the constitution of the commonwealth.

(e) Commission. The word "commission" shall mean any town agency which has been charged with performing a specified function on behalf of the town and which has such powers and performs such duties as are provided in the General Laws. The term shall include boards, councils and any other town agencies authorized to act under the General Laws.

(f) Committee. The word "committee" shall mean any town agency which has been charged with performing a specified function on behalf of the town but without statutory authority, except for the school committee, finance committee and capital outlay committee, which function under statutory authority.

(g) Ex Officio. The words "ex officio" shall mean a member of a town agency who may enter into discussions but who has no right to make motions or vote and is not counted in determining a quorum.

(h) General Laws. The words "General Laws" shall mean the General Laws of the commonwealth of Massachusetts.

(i) He/His. The words "he," or "his" or any other use of a masculine noun or pronoun in this charter shall include the feminine.

(j) Majority Vote. The words "majority vote" shall mean a majority of those present and voting provided that a quorum of the body is present.

(k) Officer. The word "officer" shall mean any individual elected or appointed to office.

(l) Town. The word "town" shall mean the town of Harwich.

(m) Town agency. The words "Town agency" shall mean any commission or committee of the town government consisting of 2 or more persons, whether appointed or elected.

(n) Voters. The word "voters" shall mean the registered voters of the town of Harwich.

SECTION 2. Notwithstanding the provisions of chapter 43B of the General Laws or any other general or special law to the contrary, actions taken by the town under the town charter as it existed prior to this act are hereby validated, ratified and confirmed.

SECTION 3. Section 1 of this act shall be submitted for acceptance to the voters of the town of Harwich at an annual or special town election in the form of the following question which shall be placed on the official ballot:

"Shall an act passed by the general court in the year 2005, entitled 'An Act relative to the Charter of the Town of Harwich' be accepted?"

The town counsel shall prepare a fair, concise summary of said question as set forth in section 58A of chapter 54 of the General Laws.

If a majority of the votes cast in answer to the question is in the affirmative, section 1 of this act shall take effect, but not otherwise.

Section 4. Sections 2 and 3 of this act shall take effect upon its passage.

Approved February 3, 2006.

Chapter 19. AN ACT DESIGNATING TAJ MAHAL AS THE OFFICIAL BLUES ARTIST OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 2 of the General Laws is hereby amended by adding the following section:-

Section 54. The musician, Henry St. Clair Fredericks, better known as Taj Mahal, shall be the official Blues Artist of the commonwealth.

Approved February 8, 2006.

Chapter 20. AN ACT AUTHORIZING THE TOWN OF AUBURN TO CONVEY A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Auburn, by and through its board of selectmen, may convey a certain parcel of land to the Auburn Center Realty Trust. Said parcel is on Book 31750, Page 328 on a deed recorded in the Worcester district registry of deeds.

SECTION 2. In consideration for the conveyance authorized in section 1, the Auburn Center Realty Trust shall convey a parcel of land to the town of Auburn. Said parcel is on Book 9812, Page 226 on a deed recorded in the Worcester district registry of deeds. Said parcel shall be used in conjunction with construction of the new high school in the town of Auburn.

SECTION 3. Subsections (a), (b) and (g) of section 16 of chapter 30B of the General Laws shall apply to the conveyances authorized by this act.

SECTION 4. This act shall take effect upon its passage.

Approved February 9, 2006.

Chapter 21. AN ACT INCREASING THE MEMBERSHIP OF THE SALEM AND BEVERLY WATER SUPPLY BOARD.

Be it enacted, etc., as follows:

Chapter 700 of the acts of 1913 is hereby amended by striking out section 1, as appearing in chapter 192 of the acts of 1981 and inserting in place thereof the following section:-

Section 1. There shall be a Salem and Beverly Water Supply Board, which shall consist of 5 members. The city engineer of the city of Salem and the commissioner of public works in the city of Beverly shall be members of the board, ex officio. The governor shall appoint a member for a term of 3 years who shall not be a resident of either of these cities, or hold property, or have a usual place of business in either city, and who may be removed at any time by the governor. He shall be the chairman, and shall receive as compensation, so long as he shall continue to be a member of the board, a sum that the board shall determine, but in no event less than $4,500 per year nor more than $6,500 per year. The mayors of the cities of Salem and Beverly shall each appoint, subject to the approval of their respective city councils, 1 member of the board for a term of 3 years who shall be a resident of their respective cities. These appointees must be appropriately qualified to serve. If a vacancy occurs in the office of the nonresident member, it shall be filled by appointment for the unexpired part of the term by the governor. In the event of the incapacity of an ex officio member of the board, the mayor of the city represented by that member shall appoint an employee of the department in which the incapacity exists as an interim member to serve in place of the ex officio member until he is able to resume his duties as a member of the board, and the chairman shall be notified in writing of the appointment. If a vacancy occurs in the position of a member appointed by one of the mayors, it shall be filled by the respective mayor subject to the approval of that community's city council for the unexpired term. Interim members shall represent their respective city as members of the board with full power including the right to vote.

Approved February 9, 2006.

Chapter 22. AN ACT PROMOTING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION 2006 WOMEN'S FINAL FOUR BASKETBALL CHAMPIONSHIP.

Be it enacted, etc., as follows:

SECTION 1. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sum set forth in section 2 is hereby appropriated from the Transitional Escrow Fund unless specifically designated otherwise, for the several purposes and subject to the conditions specified in this section and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2006. The sum shall be in addition to any amounts previously appropriated and made available for the purposes of the

item. The sum appropriated in section 2 shall not revert and shall be available for expenditure until June 30, 2006.

SECTION 2.

EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT

Department of Business and Technology

7007-0933 For the Massachusetts Sports and Entertainment Partnership for the facilitation, promotion and coordination of the National Collegiate Athletic Association 2006 Women's Final Four basketball championship $1,000,000

SECTION 3. This act shall take effect upon its passage.

Approved February 14, 2006.

Chapter 23. AN ACT AUTHORIZING THE TOWN OF MILTON TO GRANT A LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES OF A CERTAIN RESTAURANT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding sections 11, 15 and 17 of chapter 138 of the General Laws, the licensing authority of the town of Milton may grant a license for the sale of all alcoholic beverages to be drunk on the premises of the restaurant located at 27-29 Central avenue in said town, which is owned by Keith Mills or his successor in interest under section 12 of said chapter 138. Notwithstanding the foregoing, a successor in interest shall be subject to approval by the Milton board of selectmen and the alcoholic beverages control commission and an application to transfer the license to a successor in interest shall be granted and approved according to the standard for a new license. All the procedures set forth under section 15A of said chapter 138 shall apply to the granting of a license to a successor in interest. Any license granted pursuant to this act shall be subject to all of said chapter 138, except said sections 11, 15 and 17. The licensing authority shall not approve the transfer of the license to any other location.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 2006.

Chapter 24. AN ACT ESTABLISHING A SICK LEAVE BANK FOR SAMUEL RUSSELL, AN EMPLOYEE OF THE TRIAL COURT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore

it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the trial court shall establish a sick leave bank for Samuel Russell, an employee of the trial court. Any employee of the trial court may voluntarily contribute one or more sick, personal or vacation days to the sick leave bank for use by Samuel Russell. Whenever Samuel Russell terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the trial court paid leave bank.

Approved February 15, 2006.

Chapter 25. AN ACT AUTHORIZING THE TOWN OF ARLINGTON TO ESTABLISH A SPECIAL ACCOUNT FOR THE SYMMES CONSERVATION AND IMPROVEMENT PROJECT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 44 of the General Laws or any other general or special law to the contrary, the town of Arlington shall establish a special account into which all proceeds generated by the sale of the former Symmes Hospital site and any other revenue, except building permit fees, including but not limited to profit sharing generated as part of the sale price, shall be deposited, as well as the portion of other revenues, including but not limited to property taxes and fees, that the treasurer and the board of selectmen shall consider necessary in order to amortize the debt issued under the debt exclusion vote of March 31, 2001 and the January 16, 2002 special town meeting vote.

The treasurer of the town shall use this revenue to amortize current debt service for all bonds or bond anticipation notes authorized by the treasurer and the board of selectmen associated with the project without further appropriation. The treasurer shall apply all sale and revenue-sharing revenues, minus any escrow fund established for environmental remediation, to the debt principal as soon after receipt as possible. Other revenue deposited in the account in yearly amounts determined by the treasurer and the board of selectmen, including such surplus as they consider necessary, shall be used to pay the debt service costs (principal and interest), of the remaining debt and for no other purpose. Any revenues in the fund in excess of current year debt service requirements, including any reasonable surpluses, shall be returned to the General Fund. The account will be extinguished when all these debt expenses have been satisfied as determined by the director of the bureau of accounts who may exercise such other oversight that the director considers appropriate. Nothing in this act shall be construed to supersede the urban renewal plan placed upon the project.

The treasurer and the board of selectmen shall make an annual report to the town meeting of all activity in the fund.

SECTION 2. Notwithstanding chapter 59 of the General Laws or any other special or general law to the contrary, the principal and interest due in debt amounts authorized by the vote of the town on March 31, 2001 and of the town meeting on January 16, 2002 and expended in furtherance of these votes shall not be added to the tax rate except when the funds specified in section 1 are insufficient to amortize in any given year the maturing debt and interest. In that instance, the amount of the insufficiency shall be added to the tax rate.

SECTION 3. This act shall take effect upon its passage.

Approved February 15, 2006.

Chapter 26. AN ACT RELATIVE TO DISABILITY RETIREMENT BENEFITS FOR CERTAIN EMPLOYEES WHO CONTRACT CANCER.

Be it enacted, etc., as follows:

Section 94B of chapter 32 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "services", in line 7, the following words:- , or a member of the state police K-9 unit.

Emergency Letter: February 24, 2006 @ 3:15 P.M. Approved February 24, 2006.

Chapter 27. AN ACT FURTHER REGULATING ORGAN AND TISSUE DONATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to further regulate organ and tissue donations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 113 of the General Laws is hereby amended by striking out subsections (b) to (g), inclusive, as amended by section 5 of chapter 145 of the acts of 2005, and inserting in place thereof the following 5 subsections:-

(b) An organ or tissue donation, regardless of the document of gift making such donation, that is not revoked by the donor before death shall be irrevocable and shall not require the consent or concurrence of a person after the donor's death.

(c) On or before the occurrence of death in an acute hospital, the federally designated

organ procurement organization or federally registered nonprofit eye or tissue bank shall, subject to hospital protocols consistent with applicable federal laws and regulations, inform any of the persons listed below in the order of priority stated when persons in prior classes are not available if the decedent authorized a gift or, if the decedent failed to authorize a gift, of the opportunity to authorize a gift of all or part of the decedent's body for purposes of organ and tissue transplantation as provided in section 9, if no actual notice of contrary intentions by the person has been received and if consent to such donation could yield an organ or tissue suitable for transplantation. The order of priority of such persons shall be:-

(1) spouse;

(2) an adult son or daughter;

(3) a parent;

(4) an adult brother or sister;

(5) a health care proxy;

(6) a guardian of the body of the decedent at the time of his death; and

(7) any other person authorized or under obligation to dispose of the body.

(d) If the donee has actual notice of contrary indications by the decedent, or that a gift authorized by a member of a class is opposed by a majority of individuals in the same or a prior class, the donee shall not accept the gift. A person authorized in subsection (c) may make the gift after death or immediately before death.

(e) A gift of all or part of a body authorizes premortem tests and any other examination necessary to assure medical acceptability of the gift for the purposes intended by the donor.

(f) The rights of the donee created by the gift shall supercede the rights of others except as provided in subsection (d) of section 13.

SECTION 2. This act shall take effect on February 20, 2006.

Approved February 24, 2006.

Chapter 28. AN ACT AUTHORIZING 2 BALLOT QUESTIONS IN THE TOWN OF ARLINGTON RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. (a) Notwithstanding section 11 of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Arlington may cause to be placed on the official ballot at the annual town election to be held in the year 2006 the following 2 questions:-

"(1) Shall the licensing authority in the town of Arlington be authorized to grant up to 3 licenses for the sale of wines and malt beverages not to be drunk on the premises?

(2) Shall the licensing authority in the town of Arlington be authorized to grant up to 3 licenses for sale of all alcoholic beverages not to be drunk on the premises?"

(b) If a majority of the votes cast in answer to question (2) is in the affirmative, then the vote on question (1) shall be moot and without effect. If a majority of the votes cast in answer to question (2) is in the negative but a majority of the votes cast in answer to question (1) is in the affirmative, then the town shall be taken to have authorized the sale of wines and malt beverages not to be drunk on the premises in up to 3 locations. The licenses shall be subject, however, to all other provisions of chapter 138 of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 2006.

Chapter 29. AN ACT AUTHORIZING A BALLOT QUESTION IN THE TOWN OF ARLINGTON RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN CERTAIN RESTAURANTS.

Be it enacted, etc., as follows:

SECTION 1. (a) Notwithstanding sections 11A and 17 of chapter 138 of the General Laws or chapter 887 of the acts of 1977 or any other special or general law to the contrary, the board of selectmen of the town of Arlington shall cause to be placed on the official ballot for the election of offices at the annual town election to be held in the year 2006 the following question:-

"Shall the licensing authority of the Town of Arlington be authorized to grant 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises in restaurants and function rooms having a seating capacity of not less than 99 persons?"

(b) If a majority of the votes cast in answer to the question is in the affirmative, the town shall be taken to have increased from 5 to 10 the number of licenses for the sale of all alcoholic beverages to be drunk on the premises of restaurants and function rooms having a seating capacity of not less than 99 persons. The 10 licenses shall be subject to all the other provisions of said chapter 138, except those that provide for a limitation as to the number of licenses permitted or the wording of the question posed to the voters.

SECTION 2. The board of selectmen of the town of Arlington shall include a summary of the aforesaid question to be printed on the ballot along with the question as stated in section 1.

SECTION 3. This act shall take effect upon its passage.

Approved February 24, 2006.

Chapter 30. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND IN THE TOWN OF ERVING.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the conveyance by the commonwealth of a certain parcel of land in the town of Erving, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation may, notwithstanding sections 40F to 40J, inclusive of chapter 7 of the General Laws, convey, for nominal consideration, title to a certain parcel of land and any improvements thereon, located in the town of Erving, which was acquired for conservation and recreation purposes, to French King Realty, Inc. or Frank Prondecki. The parcel is shown on a plan of land entitled "Plan of Land in Erving (Franklin County), MA Surveyed for Commonwealth of Massachusetts Department Environmental Management" and dated October 22, 2002, a copy of which is on file with the department of conservation and recreation. Modifications to the plan described above may be made before conveyance to carry out the purposes of this act. No costs or expenses directly associated with the conveyance authorized by this act shall be assigned to the grantee.

Approved February 24, 2006.

Chapter 31. AN ACT DESIGNATING A SCENIC ROAD IN THE TOWN OF FALMOUTH.

Be it enacted, etc., as follows:

Notwithstanding section 15C of chapter 40 of the General Laws, state highway Route 28A in the town of Falmouth as it extends from Route 28 to the Curley Boulevard intersection is hereby designated a scenic road in the commonwealth. It shall be subject to said section 15C for the purposes of repair, maintenance, reconstruction or paving of the highway. The planning board of the town of Falmouth is hereby designated as the governmental body whose prior written consent must be obtained under said section 15C for proposed alterations.

Approved February 24, 2006.

Chapter 32. AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC FACILITIES IN THE CITY OF MALDEN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, there shall be in the city of Malden a department of public facilities which shall assume control, maintenance, management and responsibility for the construction, alteration, equipping, furnishing, repair, operation, use and rental of all municipal buildings controlled by the city of Malden and all real property associated with these buildings; but this act shall not apply to cemeteries, which shall remain under the direction and control of the cemetery trustees, nor to property held by the Malden government center commission under chapter 776 of the acts of 1970. The mayor, with the approval of the city council, shall, in December, 2005 and every 5 years thereafter, appoint a director of public facilities whose term of office shall be 5 years from the first day of January in the calendar year after the appointment or until a successor is appointed and qualified. The director shall be the executive and administrative head of the department and shall, subject to funding, appoint such subordinates and assistants as may be required. The director shall give priority to governmental, educational and recreational operations of the city, shall provide accommodations for public meetings and conventions and may provide space for the use of performing arts, civic, athletic and cultural organizations.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 2006.

Chapter 33. AN ACT AUTHORIZING THE DIRECT SHIPMENT OF WINE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the direct shipment of wine, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 24I of chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "consumed", in line 5, the following words:- ; provided, however, that a bottle resealed pursuant to section 12 of chapter 138 shall not be considered an open container.

SECTION 2. Section 1 of chapter 138 of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Winegrower" the following definition:-

"Winery", a plant or premise where wine is produced, rectified, blended or fortified from fruits, flowers, herbs or vegetables, or where wine is bottled or packaged.

SECTION 3. Section 12 of said chapter 138, as so appearing, is hereby amended by inserting after the word "writing", in line 14, the following words:- ; and provided further, that the limitations relative to service and consumption in a restaurant or hotel only in the dining rooms and such other public rooms or areas deemed reasonable and proper by the local licensing authority shall not be deemed to preclude the restaurant or hotel from allowing a patron to retain and take off the premises only so much as may remain of a bottled wine purchased by the patron in conjunction with a meal and not totally consumed by the patron during such meal; provided further, that the bottle shall be resealed in accordance with regulations promulgated by the commission.

SECTION 4. Section 18 of said chapter 138, as so appearing, is hereby amended by inserting after the word "section", in lines 80 and 81, the following words:- and section 19F.

SECTION 5. Section 19B of said chapter 138, as so appearing, is hereby amended by striking out subsection (g) and inserting in place thereof the following subsection:-

(g) A winegrower may sell wine or winery products:

(1) at wholesale to any person holding a valid wholesaler's and importer's license under section 18;

(2) at retail by the bottle to consumers, for consumption off the winery premises in accordance with a license issued under section 19F;

(3) at retail or wholesale to a person in a state or territory in which the importation and sale of wine is not prohibited by law; and

(4) at wholesale to a person in any foreign country.

SECTION 6. Said chapter 138 is hereby further amended by inserting after section 19E the following section:-

Section 19F. (a) The commission may issue to an applicant, who: (1) operates a winery whose total annual production, including that of its affiliates, franchises and subsidiaries, is 30,000 gallons of wine or more; provided, however, any wine or wine product fermented from other than grapes shall not be included in the aforementioned 30,000 gallon figure; and (2) is authorized by the appropriate licensing authority to manufacture, export and sell wine, a large winery shipment license to sell and ship wine or winery products produced by the winery directly to consumers; provided that the winery has not contracted with or has not been represented by a wholesaler licensed under section 18 for the preceding 6 months.

(b) The commission may issue to an applicant who: (1) operates a winery whose total annual production, including that of its affiliates, franchises and subsidiaries, is less than 30,000 gallons of wine; provided, however, any wine or wine product fermented from other than grapes shall not be included in the aforementioned 30,000 gallon figure; and (2) is authorized by the appropriate licensing authority to manufacture, export and sell wine, a small winery shipment license to sell and ship wine or winery products produced by the winery: (i) at retail directly to consumers; (ii) at wholesale in kegs, casks, barrels or bottles to a person licensed under section 12, 13 or 14; (iii) at wholesale for the sole purpose of resale in containers in which wine was delivered to any person licensed under section 15; provided, that all direct deliveries of wine from a winery to a section 15 licensee shall not

exceed 250 cases of wine annually; (iv) at wholesale to a person licensed under section 18, 19 or 19B; (v) at wholesale to churches and religious societies, educational institutions, incorporated hospitals, homes for the aged, manufacturers of food products and manufacturers of drugs and chemicals under section 28; or (vi) at wholesale to a registered pharmacist holding a certificate of fitness under section 30.

(c) The annual license fee for a license issued under this section shall be $100 per winery; provided, however, that an affiliate, franchise or subsidiary thereof shall require a separate license. The applicant shall provide the commission and the department of revenue with a true copy of the applicable alcoholic beverage licenses to manufacture, export and sell its wine as issued by the appropriate licensing authority. A copy of the wine shipment license, obtained under this section, shall be sent by the commission to the department of revenue to be kept on file.

(d) A person licensed under this section may ship wine in accordance with section 22.

(e) A household shall not receive delivery of more than 240 liters of wine per year from licensees under this section.

(f) A person licensed under this section shall: (i) report monthly to the commission and the department of revenue the total number of gallons of wine shipped into the commonwealth for the preceding month; (ii) pay to the department of revenue, under the department's rules and regulations, all taxes due, the amount of such taxes to be calculated as if the sale were at the location where the delivery is made; provided, however, that the licensee shall pay, for each shipment of wine, the excise levied on importations of wine calculated under section 21; and (iii) upon request, allow the commission or the department of revenue to perform an audit of the licensee's records.

(g) The commission shall enforce the requirements of this section, by administrative proceedings, against a licensee who ships wine in violation of this section, as follows:-

(i) for a first violation, by a fine of $100;

(ii) for a second violation, by a suspension of the winery's direct shipment license for not more than 1 year, a fine of $500, or both;

(iii) for a third violation, by prohibition of the winery from making any shipments of wine under this section or through a wholesaler or importer under section 18, by a fine of up to $5,000, or both; provided, however, that after 1 year, the winery may apply for the authority to ship wine through a wholesaler or importer under said section 18; and

(iv) if a violation of this section involves a sale or delivery to a person under 21 years of age, a first offense may be punished by suspension of the winery's direct shipment license for not more than 1 year; and a second offense may be punished by a prohibition of the winery from making any shipments of wine under this section or through a wholesaler or importer under section 18; provided, however, that after 1 year the winery may apply for the authority to ship wine through a wholesaler or importer under section 18; provided, however, that nothing in this clause shall preclude punishment under section 34.

(h) No person shall direct ship wine to consumers without a license to sell and ship wine. A person who manufactures, transports, imports, exports or receives wine in violation

of this chapter shall be deemed to have engaged in a deceptive act or practice under chapter 93A ; provided, however, that a common carrier acting in the ordinary course of business shall be exempt from this subsection.

(i) The commission may promulgate rules and regulations necessary to effectuate its alcohol oversight, licensing and enforcement purposes under this chapter as they relate to this section, including rules and regulations for reporting violations of this section and the requirement of sufficient documentation of a winery's annual wine production. The department of revenue may promulgate rules and regulations necessary to effectuate the tax oversight, collection and enforcement provisions of the General Laws as they relate to this section. The rules and regulations shall be submitted to the joint committee on state administration and regulatory oversight and the joint committee on consumer protection and professional licensure before promulgating such rules and regulations.

(j) The commission shall issue an annual report to the house and senate committees on ways and means and the joint committee on consumer protection and professional licensure, which shall include, but not limited to, a determination of licenses issued, a review of violations and enforcement measures under this section and an analysis of the need for changes in the laws and regulations relative thereto.

SECTION 7. The ninth paragraph of section 22 of said chapter 138, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- There shall be a fee for such permit, and persons operating a vehicle when engaged in such transportation or delivery shall be required to carry such permit or certified copy thereof.

SECTION 8. Said section 22 of said chapter 138, as so appearing, is hereby amended by striking out, in lines 57 and 58, the words "farmer-winery licensees under section nineteen B" and inserting in place thereof the following words:- licensees under section 19F.

SECTION 9. Said section 22 of said chapter 138, as so appearing, is hereby further amended by striking out, in lines 63 to 65, inclusive, the words "as containing alcoholic beverages and requiring the signatures of, and delivery to, a person legally authorized to consume alcoholic beverages in the commonwealth" and inserting in place thereof the following words:- with the words "CONTAINS ALCOHOL: REQUIRES SIGNATURE OF AND PERSONAL DELIVERY TO A PERSON LEGALLY AUTHORIZED TO CONSUME ALCOHOLIC BEVERAGES IN THE COMMONWEALTH" and with a seal of licensure attached thereto as provided by the commission. Receipts for delivery of such parcels shall contain a check box next to the recipient's signature where he shall certify that he is not under 21 years of age and a check box where the delivery person shall certify that valid identification showing that the recipient is not under 21 years of age was presented by the recipient upon delivery. Notwithstanding the foregoing, a delivery company may use an electronic device to receive the signature of a person accepting delivery of a parcel under this section and to certify that the person has displayed a valid identification as so required.

SECTION 10. Section 23 of said chapter 138, as so appearing, is hereby amended by striking out, in lines 28 and 33, the words "nineteen B" and inserting in place thereof, in each instance, the following figure:- 19F.

SECTION 11. Said section 23 of said chapter 138, as so appearing, is hereby further amended by inserting after the word "eighteen", in line 39, the following words:- or 19F.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on February 15, 2006, and in concurrence by the Senate on February 15, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 34. AN ACT AUTHORIZING CERTAIN INVESTMENTS BY THE TREASURER OF THE TOWN OF BROOKLINE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 54 of chapter 44 of the General Laws or any other general or special law to the contrary, the treasurer of the town of Brookline is hereby authorized to invest the funds of the town in the custody of the treasurer in accordance with sections 3, 4, 5, 8, and 9 of chapter 203C, of the General Laws.

SECTION 2. This act shall take effect upon its passage.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on January 19, 2006, and in concurrence by the Senate on February 28, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 35. AN ACT FURTHER REGULATING THE BARNSTABLE COUNTY SEPTIC LOAN PROGRAM.

Be it enacted, etc., as follows:

Chapter 381 of the acts of 2004 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. Upon the request of the municipal council or board of selectmen of any town within Barnstable county, the county commissioners of Barnstable county may assume and exercise all or any portion of the powers of the town, including the powers of the town's

board of health, under section 127B½ of chapter 111 of the General Laws for the purpose of entering into agreements with owners of structures for human habitation for the repair, replacement or upgrade of septic systems required under the state environmental code under section 13 of chapter 21A of the General Laws.

Approved March 7, 2006.

Chapter 36. AN ACT ESTABLISHING A SICK LEAVE BANK FOR MARIE CANTAVE-KENNEY, AN EMPLOYEE OF THE TRIAL COURT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Marie Cantave-Kenney, an employee of the Boston municipal court department. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Marie Cantave-Kenney. Whenever Marie Cantave-Kenney terminates employment with the trial court or requests to dissolve the sick leave bank, the remaining days in the sick leave bank shall be transferred to the trial court paid sick leave bank.

Approved March 13, 2006.

Chapter 37. AN ACT DESIGNATING THE ATTLEBORO DISTRICT COURTHOUSE AS THE JAMES H. SULLIVAN COURTHOUSE.

Be it enacted, etc., as follows:

The Attleboro district courthouse shall be designated and known as the James H. Sullivan Courthouse, in memory of James H. Sullivan, the former clerk/magistrate of the Attleboro division of the district court department of the trial court from May 31, 1951 through January 5, 1983, inclusive. The division of capital asset management and maintenance shall erect suitable markers bearing the designation in compliance with the standards of the division.

Approved March 15, 2006.

Chapter 38. AN ACT EXPANDING THE USE OF COMMUNITY PRESERVATION FUNDS.

Be it enacted, etc., as follows:

Section 2 of chapter 44B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the words "or real property", in line 23, and inserting in place thereof the following words:- real property, document or artifact.

Approved March 15, 2006.

Chapter 39. AN ACT AUTHORIZING THE USE OF ULTRASONIC THICKNESS DETERMINATION OF AIR TANKS AND OTHER RECEPTACLES.

Be it enacted, etc., as follows:

SECTION 1. Section 39 of chapter 146 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "for", in line 1, the following word:- internal.

SECTION 2. Said section 39 of said chapter 146, as so appearing, is hereby further amended by inserting after the word "material", in line 4, the following 4 sentences: Ultrasonic thickness determination shall be permitted in lieu of, or in conjunction with, internal inspection for air tanks or other receptacles of 36 inches diameter or less. Thickness measurements shall be made in at least 8 areas: 2 on each head and 2 on both the top and bottom portions of the shell. Thickness determinations indicating significant reduction in material thickness over a general area shall be shown on the inspection report, as well as calculations for the reduction in allowable working pressure. The authorized inspector's employer shall be responsible for the inspector's or the ultrasonic examiner's competency in the use of the ultrasonic thickness gauge and the examiner's signed report shall be attached to the authorized inspector's inspection report.

Approved March 15, 2006.

Chapter 40. AN ACT ESTABLISHING A MEDICAL EXPENSES TRUST FUND IN THE TOWN OF BROOKLINE FOR INJURED FIREFIGHTERS AND POLICE OFFICERS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Brookline may appropriate an amount not exceeding in any 1 year .05 per cent of its equalized valuation as defined in section 1 of chapter 44 of the General Laws, to establish

and maintain a trust fund to provide indemnification payments, in accordance with section 100 of chapter 41 of the General Laws, for firefighters and police officers, but no money shall be appropriated for this purpose while the fund equals or exceeds 1 per cent of the town's equalized valuation. The treasurer of the town shall be the custodian of the fund. All interest or other income generated by the fund shall be added to and become a part of the fund. Expenditures from the fund may be made for this indemnification, upon request of the chief of the fire department for firefighters or the police chief for the police officers, with the approval of the town administrator.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 2006.

Chapter 41. AN ACT ESTABLISHING A TOWN ADMINISTRATOR IN THE TOWN OF HANSON.

Be it enacted, etc., as follows:

SECTION 1. There shall be an administrative officer in the town of Hanson known as the town administrator. The town administrator, reporting directly to and supervised by the board of selectmen, shall be the chief administrative and operating officer of the town of Hanson. The town administrator shall not set town policy but shall ensure that there is appropriate coordination in the implementation of town policy, working with the board of selectmen and all elected and appointed boards and commissions.

The town administrator shall supervise, manage and coordinate the day-to-day activities of all town departments and employees under the jurisdiction of the board of selectmen and coordinate all activities of these town departments with the activities of other departments under the jurisdiction of other elected town officials, boards and commissions.

SECTION 2. The town administrator shall be appointed by the board of selectmen solely on the basis of executive and administrative qualifications and experience. The town administrator shall be a person especially suited by a combination of education, training and professional experience to perform the duties of the office. The town administrator shall not have served in elective office in the town's government for at least 12 months before the appointment. The town administrator shall devote fulltime to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during the term, unless that other service is approved in advance by vote of the board of selectmen. The office of town administrator shall not be subject to the personnel by-law, and the board of selectmen shall fix compensation for the office within the amount appropriated by the town. The board of selectmen may enter into a contract with the town administrator setting forth the terms and conditions of the town administrator's employment.

SECTION 3. The town administrator shall be responsible to the board of selectmen,

and shall be accountable to the board, for the efficient and orderly conduct of the departments, offices, and functions placed in the charge of the town administrator by this act and for the proper execution of the following powers and duties:-

(a) Oversee the efficient administration of all offices and departments appointed by the board of selectmen and report on any matters requiring the board's attention;

(b) Attend all regular or special board of selectmen meetings, unless requested or allowed to be excused, and have the right to speak but not vote;

(c) Attend all sessions, annual and special, of town meeting and be prepared to answer all questions concerning warrant articles that are directed to the town administrator and which relate to matters under the general supervision of the town administrator;

(d) Implement town meeting votes regarding articles under the control of the board of selectmen and provide written progress reports quarterly to the board of selectmen as to the status of implementation of all prior town meeting votes;

(e) Under the direction of the chair of the board of selectmen, prepare and distribute agendas for board of selectmen meetings;

(f) Work in conjunction with the chair of the board of selectmen and with town counsel regarding any litigation or other legal matters in which the town has an interest, act as liaison between town counsel and the board of selectmen and affected town departments or officials, review and approve new requests, other than board of selectmen requests, for use of town counsel on new matters, and provide the board of selectmen with monthly status reports on legal issues and concerns;

(g) Serve as the personnel director of the town, responsible for the administration of all personnel matters, including personnel by-laws and all personnel policies and regulations that the board of selectmen may adopt. This shall include the enforcement of personnel policies, rules and regulations and managing personnel costs, including salaries, benefits, overtime, and use of town-owned vehicles for employees under the jurisdiction of the board of selectmen;

(h) Recommend the appointment or removal, subject to the civil service law where applicable, of the following positions to the following appointing authorities:

(1) Town accountant, board of selectmen
(2) Treasurer/collector, board of selectmen
(3) Building commissioner, board of selectmen
(4) Animal control officer, board of selectmen
(5) Veterans agent, board of selectmen
(6) Burial agent, board of selectmen
(7) Director of elder affairs, board of selectmen
(8) Camp Kiwanee caretaker, recreation commission
(9) Conservation agent, conservation commission
(10) Assessor/appraiser, board of assessors
(11) Inspector of animals, board of health
(12) Librarian, library trustees

(13) Planner, planning board

(14) Health agent, board of health

(15) Water superintendent, water commission

(16) Administrative and clerical employees in the offices and departments under the jurisdiction of the board of selectmen and town administrator;

(i) Recommend appointments or removals based on merit or illness alone. All recommendations are subject to an affirmative vote of the relevant body as the appointing body;

(j) Evaluate, at least annually, the job performance of all town officers and department heads after seeking input and recommendation from the relevant body and any appointive committee served by those officers and department heads. Evaluations will be reviewed with the town officer, town administrator and a representative selected by the relevant body;

(k) Serve as the town's Americans with Disabilities Act director and affirmative action officer, and administer the town's affirmative action program;

(l) Exercise a general day-to-day supervision over all town agencies consistent with the policy and direction of the relevant body;

(m) Fix the compensation of all town officers and employees within the limits established by existing appropriations and adopted policies and procedures;

(n) Administer all applicable general or special laws, all applicable by-laws, and all applicable regulations and implement all goals and policies established by the board of selectmen;

(o) Be responsible for keeping full and complete records of the administrative activities of the town, and render a full report to the board of selectmen at the end of each fiscal year and otherwise as the board may require;

(p) Keep the board of selectmen informed as to the financial condition and needs of the town and make recommendations to the board of selectmen that the board considers to be necessary or expedient;

(q) Have access to all town books and records necessary for the performance of the duties of the office;

(r) Keep a full and complete inventory of all property of the town, both real and personal;

(s) Serve as the chief procurement officer responsible for purchasing all supplies, materials and equipment for all departments and activities of the town, excluding schools;

(t) Serve as arbiter of grievances and chief union negotiator for all collective bargaining agreements under the jurisdiction of the board of selectmen, but the board of selectmen shall provide guidelines, advice, and direction to the town administrator;

(u) Facilitate crisis intervention in emergency situations working with the key administrators in town including the chair of the board of selectmen, police chief, fire chief, highway surveyor, water superintendent, superintendent of schools and town counsel;

(v) Establish and maintain positive community relations with community organizations and groups and with individual citizens;

(w) Receive and act on questions and complaints filed with the board of selectmen or the town administrator and report back to the board of selectmen regarding resolution of complaints or questions;

(x) Prepare press releases for the board of selectmen, or its designee, for review and approval as directed;

(y) Prepare written reports for the board of selectmen on outstanding matters from time to time as directed; and

(z) Perform any other duties required by the by-laws or votes of the town meeting or the board of selectmen.

SECTION 4. The town administrator shall have the following budgetary powers and responsibilities:-

(a) Prepare, assemble and present annually to the board of selectmen for its review, approval and recommendation to the finance committee, detailed budgetary estimates of the amounts necessary for the administration of all town boards, officers, committees and departments, for the ensuing fiscal year, including both capital and expense items, with the exception of the water and school departments;

(b) Insure that complete and full records of the financial activity of the town are maintained in accordance with state and federal laws and town by-laws, and render monthly reports to the board of selectmen; and

(c) Seek out, prepare, coordinate, and file applications for state and federal grants.

SECTION 5. During a temporary absence, the town administrator shall designate by letter filed with the board of selectmen, a qualified administrative employee or officer to exercise the powers and perform the duties of town administrator. If the town administrator fails to do so, or the person appointed fails to serve to the satisfaction of the board of selectmen, the board of selectmen may appoint a qualified administrative employee or officer to so serve. In the event of suspension of the town administrator or a vacancy in the office, the board of selectmen shall appoint an acting town administrator.

Approved March 15, 2006.

Chapter 42. AN ACT AUTHORIZING ABATEMENT OF CERTAIN PROPERTY TAX ASSESSMENTS IN THE TOWN OF WILLIAMSBURG.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law, rule or regulation to the contrary, the town of Williamsburg, acting through its board of assessors, may abate, within 30 days after the effective date of this act, a portion of the fiscal year 2003 real estate taxes assessed on certain parcels for the sole purpose of remedying building valuation errors

caused by the conversion of the assessors' computer system.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 2006.

Chapter 43. AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO LEASE CERTAIN TOWN-OWNED LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Brookline may lease any part or portion of the property generally known and referred to as lot A in the B-2 parcel, shown as parcel 1 in block 138 on sheet 29B of the town's 2001 assessors atlas, owned by it, for a period not to exceed 95 years, to Village Plaza Limited Partnership or its designee, upon terms and conditions that the board of selectmen determines to be in the best interests of the town, including terms and conditions regarding the payment of real estate taxes or payments instead of real estate tax obligations.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 2006.

Chapter 44. AN ACT AUTHORIZING THE APPOINTMENT OF FRANCIS K. RAYNE AS A FIREFIGHTER IN THE TOWN OF BILLERICA NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law, rule or regulation to the contrary regulating the maximum age of applicants for appointment as a firefighter, the administrator of the division of personnel administration shall certify Francis K. Rayne to be eligible for appointment to the position of firefighter in the town of Billerica according to the grade he received on his civil service examination for the position. If Francis K. Rayne meets all other requirements for certification and appointment as a firefighter, the town of Billerica may appoint him.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 2006.

Chapter 45. AN ACT AN ACT RELATIVE TO ELEVATOR LICENSE EXAMINATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further regulate elevator license examinations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 11 of chapter 22 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "Boston", in line 9, the following words:- or his designee.

SECTION 2. Said section 11 of said chapter 22, as so appearing, is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

Each member of the board shall be paid not less than $50 for each day while in the actual performance of his duties as such, but not exceeding $2,000 in a fiscal year, and shall also receive from the commonwealth all expenses necessarily incurred by him in connection with his official duties.

SECTION 3. Section 11A of said chapter 22, as so appearing, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

Each appointive member of the board shall be paid not less than $50 for each day while in actual performance of his duties as such, but not exceeding $2,000 in a fiscal year, and shall also receive from the commonwealth all expenses necessarily incurred by him in connection with his official duties.

SECTION 4. Section 62 of chapter 143 of the General Laws, as so appearing, is hereby amended by inserting after the word "stairways", in line 13, the following words:- , dumbwaiters, moving walks, material lifts and dumbwaiters with automatic transfer devices, wheelchair lifts, automatic people movers and other associated devices, except stair lifts located and installed in residential homes, that are commonly included within the elevator industry.

SECTION 5. Section 71A of said chapter 143, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The chairman shall be paid by the commonwealth as compensation a sum of not less than $50 for each day of service performed in connection with his duties as chairman, but not more than $2,000 in a fiscal year.

SECTION 6. Subsection 1 of section 71C of said chapter 143, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The board shall hold frequent examinations in such municipalities as it deems necessary. Public notice shall be given of all examinations. Each person that makes written

application for a elevator mechanic license and complies with the following requirements shall be entitled to be examined: (a) he shall be a current registered elevator constructor apprentice with the division of apprentice training; (b) he shall furnish documentary proof satisfactory to the board, from his registered joint apprentice committee or his current or previous employer or employees engaged primarily in the business of erecting, constructing, installing, altering, testing, repairing or maintaining elevators, escalators, moving walks and other related conveyance equipment, that he has worked not less than 6,000 on-the-job-training hours over a period of not less than 3 years as an elevator constructor apprentice, under the direct and immediate field supervision of a licensed elevator mechanic in the commonwealth; (c) he shall furnish documentary proof to the board of successful completion of a minimum of 450 hours of classroom environment training from an approved instructional training program such as the United States Department of Labor-recognized National Elevator Industry Educational Program, known as NEIEP, or the educational equivalent, having core curriculum standards substantially equal thereto with classroom instruction directly related to erecting, constructing, installing, altering, testing, repairing or maintaining elevators, escalators, moving walks and other related conveyance equipment, recognized and accredited by the division of apprentice training or the department of education. A fee shall accompany each application and each renewal thereof, the amount of which shall be determined annually by the commissioner of administration under section 3B of chapter 7 for the filing thereof. The board shall subject each applicant to a written examination and to such practical tests as it may deem necessary and, if found by the board to be qualified, the applicant shall be granted a license as an elevator constructor, maintenance man and repairman. Each application shall entitle the applicant to 1 examination.

SECTION 7. Said chapter 143, as so appearing, is hereby further amended by striking out section 71E, as so appearing, and inserting in place thereof the following section:-

Section 71E. As used in sections 62 to 71F, inclusive, the term "elevator" shall include moving stairways, dumbwaiters, moving walks, material lifts and dumbwaiters with automatic transfer devices, wheelchair lifts, automatic people movers and other associated devices, except stair lifts located and installed in residential homes, that are commonly included within the elevator industry.

SECTION 8. The board of elevator regulations shall adopt rules and regulations to provide for the safe operation of freight elevators excluded under chapter 288 of the acts of 1962.

SECTION 9. Section 6 shall take effect on January 1, 2007. The remainder of this act shall take effect as of January 1, 2006.

Approved March 23, 2006.

Chapter 46. AN ACT AUTHORIZING CERTAIN ACTIONS BY THE BRAINTREE ELECTRIC LIGHT DEPARTMENT GENERATING PROJECT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding sections 3 and 15 of chapter 40 of the General Laws, or any other general or special law to the contrary, and in addition to any other power conferred by law, the town of Braintree, acting through its municipal light plant commission, may lease certain land for the purposes of constructing, operating and maintaining the electric power plant and related facilities to the public owner or owners of the electric power plant and related facilities, for a term not to exceed 50 years. The land may be used for these purposes, notwithstanding any restrictions or limitations on the land existing by deed or otherwise, and shall be subject to exemption from the operation of the applicable zoning ordinances or by-laws pursuant to those portions of section 3 of chapter 40A applicable to public service corporations. The land is located at 150 Potter Road in the town of Braintree and is identified by the town as Property Identification (PID) 3045-0-1C (Map 3045, Lot 1C of the town assessor records).

SECTION 2. Sections 38A½ to 38O, inclusive, of chapter 7 of the General Laws, section 20A of chapter 9 of the General Laws, sections 39G to 39M, inclusive, and section 39Q of chapter 30 of the General Laws, sections 44A to 44J, inclusive, of chapter 149 of the General Laws and regulations promulgated under these sections of the General Laws or any other sections of the General Laws governing the procurement by municipal light plants or municipal lighting plant cooperatives of construction and design services shall not apply to the design, construction, operation or maintenance of the electric power plant or its related facilities provided for in this act. However, section 26, section 27 and sections 27A to 27F, inclusive, of chapter 149 of the General Laws and section 15, section 17, the second, third and fourth paragraphs of section 18, section 19, and section 20 of chapter 149A of the General Laws applicable to the design-build method for public works construction projects shall apply to the design and construction of the electric power plant and its related facilities. Notwithstanding the forgoing, as the awarding authority as defined in section 15 of chapter 149A of the General Laws, the Braintree Electric Light Department may waive minor informalities and reject any and all bids if it is in the public interest to do so.

SECTION 3. The Braintree Electric Light Department may issue revenue bonds for the financing of the electric power plant and its related facilities provided for in this act. Said revenue bonds shall be supported solely by the revenues from the Braintree Electric Light Department.

SECTION 4. This act shall take effect upon its passage.

Approved March 23, 2006.

Chapter 47. AN ACT CHANGING THE TERM OF OFFICE OF THE MODERATOR FOR THE TOWN OF MILTON.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section 5 of the charter of the town of Milton, as appearing in chapter 27 of the acts of 1927, is hereby amended by striking out, in lines 2 to 3, inclusive, the words "at each annual town election" and inserting in place thereof the following words:- for a 3-year term.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Milton at any regular or special town election in the form of the following question which shall be placed on the official ballot: "Shall an act passed by the general court in the year 2006, entitled 'An Act changing the term of office of the moderator for the town of Milton', be accepted?" If a majority of the votes in answer to the question is in the affirmative, then this act shall take effect, but not otherwise.

Emergency Letter: March 27, 2006 @ 2:17 P.M. Approved March 27, 2006.

Chapter 48. AN ACT REDUCING GANG VIOLENCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith reduce gang violence in the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by adding after chapter 263, the following chapter:-

CHAPTER 263A.
WITNESS PROTECTION IN CRIMINAL MATTERS

Section 1. For the purposes of this chapter, the following words shall have the following meanings:-

"Board", the witness protection board established in section 2.

"Prosecuting officer", the attorney general or a district attorney from each county.

"Critical witness", any person who is participating in a criminal investigation, or has received a subpoena or who is reasonably expected to give testimony that is, in the judgment of the prosecuting officer, essential to a criminal investigation or proceeding or such person's relatives, guardians, friends or associates who are reasonably endangered by such person's participation in the criminal investigation or proceeding.

Section 2. There is hereby established a witness protection board within the executive office of public safety consisting of the secretary of public safety, the attorney general,

the auditor, a chief of police appointed by the Massachusetts Chiefs of Police Association, and a district attorney appointed by the Massachusetts District Attorney's Association, or any member's respective designees. The board shall oversee the commonwealth's witness protection program and coordinate the efforts of state, county and law enforcement agencies to protect the health, safety and welfare of witnesses including, but not limited to, the administration and approval of funding for witness protection services. The board shall promulgate rules and regulations for the administration of the commonwealth's witness protection program and establish procedures to maximize federal funds for witness protection services.

Section 3. In any criminal investigation or proceeding, the prosecuting officer with jurisdiction over the investigation or proceeding may file a petition with the board requesting witness protection services for a critical witness if the prosecuting officer certifies that such witness's participation in the investigation or proceeding places the witness at risk of harm including, but not limited to, intimidation or retaliatory violence. The petition shall include a proposed plan for protective services which shall include, but not be limited to, projected costs, method of protection and likely duration of services. The board shall review the petition as soon as possible and if, by a vote of 3 or more board members, finds that the petition and plan comply with the rules and regulations established by the board, the board shall assist the prosecuting officer to coordinate the efforts of state, county and local agencies to secure witness protection services. The board shall, subject to appropriation, reimburse the prosecuting officer for any witness protection related costs that comply with the regulations and guidelines established by the board.

Section 4. If a prosecuting officer determines that exigent circumstances exist regarding an imminent threat to the safety of a critical witness, he may take any appropriate temporary action he determines is necessary to protect the safety of the witness without prior approval of the board. The prosecuting officer shall inform the board of the action taken and the related costs within 48 hours. Any such costs, which would otherwise be in compliance with the rules and regulations established by the board pursuant to section 2, may be reimbursed to the prosecuting officer.

Section 5. Protective services provided to a critical witness may include, but not be limited to:-

(a) any necessary armed protection or escort, marked or unmarked surveillance or periodic visits or contact by law enforcement officials prior, during or subsequent to a criminal proceeding;

(b) physical relocation to an alternate shelter, housing or residence;

(c) reasonable housing expenses;

(d) transportation or storage of personal possessions;

(e) basic living expenses; and

(f) petition for a protective order on any individual identified as a threat to a critical witness.

Any protective services provided to a critical witness shall be made known to defense counsel pursuant to Rule 14 of the Massachusetts Rules of Criminal Procedure.

Section 6. Before providing witness protection services to any critical witness under this chapter, except where it is determined that temporary protective services are necessary pursuant to section 4, the prosecuting officer shall enter into a written memorandum of understanding with such witness. If temporary protective services have been provided pursuant to section 4, a written memorandum of understanding shall be entered into as soon as practicable. The written memorandum of understanding shall be signed by: the prosecuting officer or his designee; the witness to be afforded protective services; the witness' guardian if the witness is a minor; and the witness' attorney if the witness is represented by counsel. Such written memorandum of understanding shall not be considered a grant of immunity. The written memorandum of understanding shall include:-

(a) The responsibilities agreed to by the witness while receiving protective services, shall include, but not limited to, an agreement to:-

(i) provide complete and truthful information to all relevant law enforcement officials related to all relevant investigations, and to testify completely and truthfully in all appropriate proceedings;

(ii) not commit any crime;

(iii) take all necessary precautions to avoid making known to others his participation in the witness protection program or the provision of protective services under such program;

(iv) comply with any legal obligations or civil judgments against the witness;

(v) cooperate with all reasonable requests of officers and employees of the commonwealth who are providing protective services under this chapter;

(vi) designate another person to act as an agent for the service of process. Under no circumstances shall the person so designated be an employee of the prosecuting officer or other law enforcement agency, or be a member of or perform duties on behalf of the witness protection board;

(vii) make a sworn statement of all outstanding legal obligations, including obligations concerning child custody and visitation, and child support;

(viii) disclose any probation or parole conditions, obligations, or responsibilities; and

(ix) regularly inform the prosecuting officer of the activities and current address of the witness.

(b) The responsibilities agreed to by the commonwealth while providing protective services shall include, but not be limited to:

(i) The names and telephone numbers of representatives of the prosecuting officer or law enforcement personnel to contact if the witness has questions or concerns related to the protective services or the witness' safety;

(ii) The protective services that the prosecuting officer has determined will be requested, and, if authorized, to be provided to the witness under this chapter; and

(iii) The procedures to be followed, if there is a determination by the prosecuting officer that there has occurred a material breach of the memorandum of understanding, as established by the prosecuting officer.

Section 7. If a witness, after being offered protective services under this chapter, at any time declines to receive such services, the prosecuting officer shall request that the witness make such refusal in writing, or, if the witness refuses to document such refusal of services in writing, the prosecuting officer shall document the refusal and inform the witness protection board forthwith that the witness has declined protective services. If a witness violates the terms of the memorandum of understanding set forth in section 6 or any other condition of receiving witness protection services under this chapter, the prosecuting officer may revoke and terminate all protective services, and shall so advise the witness in writing. The prosecuting officer shall notify the board forthwith of such revocation and grounds therefore.

Section 8. Notwithstanding any general or special law to the contrary, or any regulation, rule or ordinance, if a petition and plan for witness protection, approved by the board, requires relocation of a critical witness within the public housing system, such relocation shall be effectuated without regard to any impediment including, but not limited to, any existing waiting list.

Section 9. Notwithstanding any general or special law to the contrary, or any regulation, rule or ordinance, if a petition and plan for witness protection, approved by the witness protection board, requires relocation of a critical witness to another public school within or without of the witness's current school system, such relocation shall be effectuated without regard to any impediment including, but not limited to, class capacity limits and jurisdictional boundaries of any given school district.

Section 10. Nothing in this section shall be construed as creating a right, entitlement or cause of action on behalf of any person against any public employee, public agency, the commonwealth, or any agency responsible for the provision of services set forth in this chapter. The commonwealth, its officers and employees, and law enforcement personnel shall have immunity from suit based on any decision, act or omission related to this chapter.

Section 11. The board shall establish a liaison with the United States Marshal's office in order to facilitate the legal processes over which the federal government has sole authority. The liaison shall coordinate all requests for federal assistance relating to witness protection.

The board shall pursue all federal sources that may be available for implementing this chapter. For that purpose, the board shall establish a liaison with the United States Department of Justice.

The board shall, in conjunction with the executive office of administration and finance and the senate and house ways and means committees, establish procedures to maximize federal funding for witness protection services.

Section 12. Records of the board and all records relating to petitions and filed with the board shall be confidential and shall not be public records. Section 11A and section 11A½ of chapter 30A shall not apply to meetings, discussions or deliberations of the board.

Section 13. (a) A prosecuting officer may disclose or refuse to disclose the identity or location of a protected witness, or any other matter concerning a protected witness or the

program, after balancing the danger such disclosure may pose to the protected witness, the detriment it may cause to the general effectiveness of the program, and the benefit it may afford to the public or the person seeking discovery, except that a prosecuting officer shall, upon the request of a federal, state or local law enforcement official, or pursuant to a court order, disclose to such official the identity, location and criminal records relating to the protected witness when the prosecuting officer knows, or the request from such official indicates, that the protected witness is under criminal investigation for, or has been arrested for, or charged with, a felony.

(b) Whoever, without the express written authorization of the prosecuting officer, knowingly discloses any information received from the prosecuting officer or generated in connection with witness protection services and which poses a risk of harm: to a program participant; of disclosure of any person's participation in such program; or of jeopardizing the objectives of the program shall be punished by imprisonment in the house of correction for not more than 2½ years or by a fine of not more than $5,000, or by both such fine and imprisonment. This section shall not apply to: any members of the board; members of the attorney general's office; members of the district attorneys' offices; law enforcement; or agents thereof, acting in the lawful discharge of their duties.

SECTION 2. Section 1 of chapter 268, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:-

An indictment or complaint for violation of this section alleging that, in any proceedings before or ancillary to any court or grand jury proceedings relating to an indictment or complaint for the commission of a violent crime, as defined in section 121 of chapter 140, the defendant under oath has knowingly made 2 or more declarations, which are inconsistent to the degree that 1 of them is necessarily false, need not specify which declaration is false if: (1) each declaration was material to the point in question and (2) each declaration was made within the period of the statue of limitations for the offense charged under this section. In any prosecution under this section, the falsity of a declaration set forth in the indictment or complaint shall be established sufficient for conviction by proof that the defendant, while under oath, made irreconcilably contradictory declarations material to the point in question. If, in the same continuous court or grand jury proceeding in which a declaration is made, the person making the declaration admits to such declaration to be false, such admission shall bar prosecution under this section if, at the time the admission is made, the declaration has not substantially affected the proceeding, or it has not become manifest that such falsity has been or will be exposed. It shall be a defense to an indictment or complaint made pursuant to this section that the defendant, at the time he made each declaration, believed each such declaration to be true or its falsity was the result of a good faith mistake or error.

SECTION 3. Said chapter 268 is hereby further amended by striking out section 13B, as so appearing, and inserting in place thereof the following section:-

Section 13B. (1) Whoever, directly or indirectly, willfully

(a) threatens, or attempts or causes physical injury, emotional injury, economic injury or property damage to;

(b) conveys a gift, offer or promise of anything of value to; or

(c) misleads, intimidates or harasses another person who is:

(i) a witness or potential witness at any stage of a criminal investigation, grand jury proceeding, trial or other criminal proceeding of any type;

(ii) a person who is or was aware of information, records, documents or objects that relate to a violation of a criminal statute, or a violation of conditions of probation, parole or bail;

(iii) a judge, juror, grand juror, prosecutor, police officer, federal agent, investigator, defense attorney, clerk, court officer, probation officer or parole officer;

(iv) a person who is or was furthering a criminal investigation, grand jury proceeding, trial or other criminal proceeding of any type; or

(v) a person who is or was attending or had made known his intention to attend a grand jury proceeding, trial or other criminal proceeding of any type with the intent to impede, obstruct, delay, harm, punish or otherwise interfere thereby with a criminal investigation, grand jury proceeding, trial or other criminal proceeding of any type shall be punished by imprisonment for not more than 2½ years in a jail or house of correction or not more than 10 years in a state prison, or by a fine of not less than $1,000 nor more than $5,000.

(2) As used in this section, "investigator" shall mean an individual or group of individuals lawfully authorized by a department or agency of the federal government, or any political subdivision thereof, or a department or agency of the commonwealth, or any political subdivision thereof, to conduct or engage in an investigation of, prosecution for, or defense of a violation of the laws of the United States or of the commonwealth in the course of his official duties.

(3) As used in this section, "harass" shall mean to engage in any act directed at a specific person or persons, which act seriously alarms or annoys such person or persons and would cause a reasonable person to suffer substantial emotional distress. Such act shall include, but not be limited to, an act conducted by mail, electronic mail, internet communications, facsimile communications, or other telephonic or telecommunications device.

(4) A prosecution under this section may be brought in the county in which the criminal investigation, grand jury proceeding, trial or other criminal proceeding is being conducted or took place, or in the county in which the alleged conduct constituting an offense occurred.

SECTION 4. Said chapter 268, as so appearing, is hereby further amended by inserting after section 13C the following section:-

Section 13D. (a) Whoever knowingly distributes or possesses with intent to distribute any transcript of grand jury testimony or any substantially verbatim description of grand jury testimony with the intent to impede, obstruct, delay or otherwise interfere with any criminal proceeding, or the participation of any victim, witness or juror in any stage of a trial, grand jury, or other criminal proceeding, or the continued participation of any person furnishing information to a criminal proceeding, or the continued participation of any person

furnishing information to a criminal investigator relating to a violation of any criminal statue, shall be punished by imprisonment in a house of correction for not more than 2½ years or in the state prison for not more than 5 years, or by a fine of not more than $5,000, or both. Nothing in this subsection shall abridge any right protected by the First Amendment to the United States Constitution.

(b) Nothing in this section shall be construed so as to prohibit any person performing an official function in relation to the grand jury from disclosing a grand jury transcript or description thereof pursuant to Massachusetts Rules of Procedure or Federal Rule of Criminal Procedure 6.

(c) Any attorney representing a defendant in a criminal proceeding, including court appointed counsel, who receives a grand jury transcript or a description thereof related to such proceeding from a prosecutor, may provide the transcript or description to his client or any investigator employed by such attorney or another attorney employed by, or appointed by the court to represent, his client, unless such transfer would be in violation of a protective order from a court of competent jurisdiction. Such attorney may further disclose a grand jury transcript or description thereof related to such proceeding to assist in the legal defense of another defendant in a criminal proceeding, unless such transfer would be in violation of a protective order from a court of competent jurisdiction.

(d) Upon motion of the commonwealth and after hearing, a court may issue a protective order prohibiting defense counsel from distributing grand jury transcripts to a criminal defendant, if the commonwealth demonstrates that the defendant is accused of a violent crime, as defined in section 121 of chapter 140, and that there is a reason to believe, based on specific and articulable facts including, but not limited to, the defendant's past history of violence and the nature of the charges against the defendant, that the defendant poses a threat to a witness or victim. The defendant shall have a right to cross examine any commonwealth witness. In making a determination relative to the issuance of a protective order under this section, the court shall consider whether the defendant has an exceptional need to receive such grand jury transcripts.

(e) Any grand jury transcript or document citing or describing grand jury testimony filed with any court shall be filed and maintained under seal, unless the paper is filed in a criminal prosecution for perjury before a grand jury.

SECTION 5. Section 10 of chapter 269 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended, by striking out, in lines 30, 32 and 35, the words "one year", each time they appear, and inserting in place thereof, in each instance, the following word:- 18 months.

SECTION 6. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out paragraph (h) and inserting in place thereof the following paragraph:-

(h)(1) Whoever owns, possesses or transfers a firearm, rifle, shotgun or ammunition without complying with the provisions of section 129C of chapter 140 shall be punished by imprisonment in a jail or house of correction for not more than 2 years or by a fine of not more than $500. Whoever commits a second or subsequent violation of this paragraph shall

be punished by imprisonment in a house of correction for not more than 2 years or by a fine of not more than $1,000, or both. Any officer authorized to make arrests may arrest without a warrant any person whom the officer has probable cause to believe has violated this paragraph.

(2) Any person who leaves a firearm, rifle, shotgun or ammunition unattended with the intent to transfer possession of such firearm, rifle, shotgun or ammunition to any person not licensed under section 129C of chapter 140 or section 131 of chapter 140 for the purpose of committing a crime or concealing a crime shall be punished by imprisonment in a house of correction for not more than 2½ years or in state prison for not more than 5 years.

SECTION 7. Said section 10 of said chapter 269, as so appearing, is hereby further amended by adding the following 2 paragraphs:-

(n) Whoever violates paragraph (a) or paragraph (c), by means of a loaded firearm, loaded sawed off shotgun or loaded machine gun shall be further punished by imprisonment in the house of correction for not more than 2½ years, which sentence shall begin from and after the expiration of the sentence for the violation of paragraph (a) or paragraph (c).

(o) For purposes of this section, "loaded" shall mean that ammunition is contained in the weapon or within a feeding device attached thereto.

For purposes of this section, "ammunition" shall mean cartridges or cartridge cases, primers (igniter), bullets or propellant powder designed for use in any firearm, rifle or shotgun.

SECTION 8. The first paragraph of section 58 of chapter 276 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- If the justice or clerk or assistant clerk of the district court, the bail commissioner or master in chancery determines it to be necessary, the defendant may be ordered to abide by specified restrictions on personal associations or conduct including, but not limited to, avoiding all contact with an alleged victim of the crime and any potential witness or witnesses who may testify concerning the offense, as a condition of release.

SECTION 9. Section 58B of said chapter 276, as so appearing, is hereby amended by striking out, in line 2, the word "fifty-eight A" and inserting in place thereof the following words:- section 58 or section 58A.

SECTION 10. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth herein are hereby appropriated from the General Fund unless specifically designated otherwise herein, for the several purposes and subject to the conditions specified herein, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2006, provided that said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

EXECUTIVE OFFICE OF PUBLIC SAFETY

Witness Protection Program

8000-0038 For the operation of a witness protection program pursuant to chapter 263A of the General Laws; provided, that of the funds

appropriated in this item, $500,000 shall be available for expenditure in fiscal year 2006 and $1,000,000 in fiscal year 2007 ..... $1,500,000.

SECTION 11. The witness protection board shall make an annual report to the general court, including the house and senate ways and means committees and the joint committee on the judiciary, not later than January 1 of each year on the fiscal and operational status of the witness protection program including, but not limited to, the number of memoranda of understanding issued by each district attorney pursuant to chapter 263A of the General Laws.

Approved March 30, 2006.

Chapter 49. AN ACT AUTHORIZING THE TOWN OF MILFORD TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Milford may grant to Jose and Theresa Cerqueira d/b/a Arcos Market, located at 34 Main Street in the town, a license for the sale of wine and malt beverages not to be drunk on the premises pursuant to section 15 of said chapter 138 . The license shall be subject to all of said chapter 138 except section 17. The licensing authority shall not approve the transfer of the license to any other person, organization, corporation or location.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 2006.

Chapter 50. AN ACT REGULATING THE FINANCIAL CONDITIONS IN THE ATHOL-ROYALSTON REGIONAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law, or the regional school district agreement to the contrary, the Athol-Royalston regional school district, with the approval of the finance advisory board established by section 3, may borrow, at one time or from time to time, sums that are approved by the regional school district committee and then by the board, but in no event in an amount in the aggregate in excess of $1,000,000, to maintain and operate the regional school district while it adjusts the level of its expenses and revenues so as to achieve balanced budgets and fiscal stability. The board may limit the

borrowing to an amount or amounts less than the amount or amounts approved by the regional school district committee. Bonds or notes issued under the authority of this act for operating purposes may be issued for a term of not more than 10 years and shall be backed by the full faith and credit of the regional school district. Bonds or notes issued under the authority of this act shall be eligible to be issued as qualified bonds or notes under chapter 44A of the General Laws. Indebtedness incurred under this act shall, so far as apt, be subject to chapter 44 of the General Laws. The maturities of each issue of bonds or notes authorized under this act, including any refunding bonds, may, if approved by the regional school district officers authorized to issue and approve the bonds or notes, and by the board, be arranged so that for each issue the amounts payable in the several years for principal and interest combined are as nearly equal as is practicable in the opinion of the officers authorized to issue and approve the bonds or notes, or in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.

SECTION 2. All proceeds of any loan authorized by section 1 shall be deposited in a separate fund which shall be set up on the books of the regional school district and be maintained separate and apart from all other funds and accounts of the regional school district. This fund shall be called the Athol-Royalston Regional School District Financial Stability Fund, in this act called the fund. The regional school committee, with the approval of the board, may authorize disbursements from the fund for operating purposes that the committee considers appropriate to maintain and continue regional school district operations. Funds borrowed for operating purposes may be applied, with the approval of the director of accounts in the department of revenue, in this act referred to as the director, as general revenue for purposes of computing assessments to the member towns under section 16B of chapter 71 of the General Laws. The director may establish rules and procedures that he considers appropriate relating to disbursements from the fund and the reporting and accounting for these disbursements.

SECTION 3. There shall be in the Athol-Royalston regional school district a finance advisory board, consisting of the secretary of administration and finance or his designee, the commissioner of revenue or his designee, the deputy commissioner of the division of local services of the department of revenue or his designee, the commissioner of education or his designee, and the chairman of the regional school committee or his designee. The board shall initiate and assure the implementation of appropriate initiatives to secure the financial stability of the school district, and shall continue in existence until June 30, 2008 unless the members, after consideration of the recommendation of the regional school committee if it chooses to offer one, by majority vote shall annually vote to continue the operation of the board from year to year after that date.

Until the board ceases to exist, no appropriation, borrowing authorization or transfer shall take effect until approved by the board. As used in this act, "appropriation" means each line item in the district budget, and "transfer" means adjustments between or among line items under the district's procedures. In addition to the authority and powers conferred elsewhere in this act, and notwithstanding any general or special law, or regional school district agreement to the contrary, the board shall have the following authority:

(a) The authority, by majority vote, to amend at any time any appropriation, borrowing authority, transfer, or other municipal spending authority. The authority to amend, under this act, shall include the power to increase or decrease an existing appropriation, borrowing authorization, transfer or spending authority; the authority to eliminate an existing appropriation, borrowing authorization, transfer or spending authority; and the power to create an appropriation, transfer or spending authority. In exercising its authority under this clause, the board may act with respect to district spending purposes that are not the subject of separately identified appropriations.

(b) Notwithstanding section 16B of chapter 71 of the General Laws, or any other general or special law to the contrary, if there is no annual budget lawfully established for a fiscal year by the first day of that fiscal year, the authority, by majority vote, to establish a budget for that fiscal year that it considers appropriate and to amend, as provided for above, the appropriations during that fiscal year.

(c) The authority, by majority vote, to encumber or impound, at any time, any unexpended or unencumbered appropriation or spending authority of any kind notwithstanding the prior approval of the board of that appropriation or spending authority. To the extent that funds previously encumbered or impounded remain encumbered or impounded at the conclusion of the fiscal year, these amounts shall revert to the district's excess and deficiency account.

(d) In addition and without limitation of the other authority in this section, the independent authority, by majority vote, to establish, set, raise or lower any fee or charge, for any service or other district activity, otherwise within the authority of the district to establish, set, raise or lower. No fee or charge shall be established, set, raised or lowered without written notice to the school committee and superintendent at least 45 days before the effective date of that action.

Action by the board, under authority of this act, shall in all respects constitute valid and lawful action by the regional school district for purposes of chapters 44, 70 and 71 of the General Laws and for all school finance and other matters.

In each year during which the board continues in existence, the superintendent shall, at the same time as the annual budget is submitted to the school committee, provide to the board and to the director a copy of the proposed annual budget, together with a supporting revenue and expenditure statement in such detail as the board may prescribe. The board shall review this budgetary information and may issue a report of its findings.

In order to promote and ensure the fiscal stability of the Athol-Royalston regional school district, the board may also require the filing of a detailed annual work plan by each district official with the power to make contracts or incur liabilities on behalf of the district which shall be approved by the superintendent, setting forth certain actions which may be implemented by each official to ensure greater efficiency in the delivery of services by the district.

Each work plan shall be in such detail as the board may prescribe, and may include, but not be limited to, the following: (1) a plan for improved financial and spending controls;

(2) budget guidelines and objectives for the fiscal year; (3) a professional and nonprofessional staffing plan; (4) a plan for other proposed savings to be implemented. Any work plan submitted by a district official shall be approved by the school committee before submission to the board. During the course of each fiscal year in which the board is in existence, the board may require that status reports be filed with the board by these district officials on a quarterly basis.

The board shall have full authority to waive any reporting or filing requirements contained in this section.

The board may prepare reports of its findings and review and issue recommendations for further action to the superintendent and regional school district committee.

Members of the board who are employees or officers of the commonwealth or the regional school district shall serve without compensation.

SECTION 4. The regional school district business manager, or other official with responsibility for accounting matters, shall have the powers and duties vested in this office by general or special law, and in addition, the powers and duties provided in this act. To the extent not otherwise inconsistent with this act, the office of the regional school district business manager, or other official with responsibility for accounting matters, shall also have the powers and duties provided by the regional school agreement.

The regional school district business manager, or other official with responsibility for accounting matters, shall provide, upon majority vote and at the written request of the finance advisory board, the regional school district committee or superintendent, within a reasonable time period from that request, an oral or written assessment, or both, as the committee may request, of the current and future financial impact of the cost of any proposed expenditure, lease or contract agreement for a term including more than 1 fiscal year, collective bargaining agreement or borrowing authorization, particularly, but not limited to, as that cost item would relate to the continuous provision of the existing level of district services. To the extent reasonable, this assessment shall include an analysis or other information of a financial nature that is specifically requested by the finance advisory board, superintendent or committee. The assessment and analysis shall be provided by the regional school district business manager, or other official with responsibility for accounting matters, as his professional opinion.

SECTION 5. (a) Notwithstanding any general or special law or the regional school district agreement to the contrary, the Athol-Royalston regional school district shall establish a special reserve fund for extraordinary and unforeseen expenditures, which fund shall be called the Supplemental Reserve Fund to Ensure Fiscal Stability. This fund shall be separate and in addition to any amounts appropriated under section 16G½ of chapter 71 of the General Laws.

(b) Commencing with fiscal year 2007 and for all following fiscal years, before the date when assessments to the member towns are computed, the district shall include a supplemental reserve fund sum in the budget for that fiscal year, as determined under this act.

(c) The supplemental reserve fund sum for fiscal year 2007 shall be an amount equal to 0.25 per cent of the gross amount of the regional district budget for the prior fiscal years

as determined by the director; the supplemental reserve fund sum for fiscal year 2008 shall be an amount equal to 0.50 per cent of the gross amount of the regional district budget for the prior fiscal year as determined by the director; the supplemental reserve fund sum for fiscal year 2009 shall be an amount equal to 0.75 per cent of the gross amount of the regional district budget for the prior fiscal year as determined by the director; the supplemental reserve fund sum for fiscal year 2010 shall be an amount equal to 1 per cent of the gross amount of the regional district budget for the prior fiscal year as determined by the director; and the supplemental reserve fund sum for fiscal year 2011 and each subsequent fiscal year shall be an amount equal to 1.5 per cent of the gross amount of the regional district budget for the prior fiscal year as determined by the director.

(d) In each year the amount required to be included in the budget for the supplemental reserve fund may be reduced by the amount, if any, remaining in the supplemental reserve fund established for the preceding year after all expenditures have been made from it as authorized in this act, and this remaining amount shall be retained in the supplemental reserve fund provided for the then current fiscal year.

(e) Transfers or expenditures may be authorized from the supplemental reserve fund of any fiscal year during that fiscal year only, and then only by the regional school district committee, and if the board continues in existence at the time of the transfer or expenditure, only with the approval of the board. Each transfer or expenditure request by the superintendent shall be accompanied by a written statement detailing the amount and the reason for the transfer or expenditure. Except for transfers or expenditures that are authorized in this act, there shall be no other transfers or reductions in the amount of this fund.

(f) All amounts required by this act to be included in the district budget for each fiscal year shall be included in the calculation of assessments to the member towns by the regional school district business manager. While the board remains in existence, the board, to the extent it considers it appropriate to effectuate the purposes of this act, may waive in part or in whole the requirements of this section.

SECTION 6. No official of the Athol-Royalston regional school district, except in the case of an emergency involving the health and safety of persons or property, shall knowingly expend or incur liabilities in any fiscal year in excess of that official's spending authority established by a budget line item or appropriation duly made in accordance with the law, nor commit the regional school district, nor cause it to be committed, to any obligation for the future payment of money in excess of that appropriation, with the exception of court judgments. Any official who intentionally violates this section shall be personally liable to the regional school district for any amounts expended in excess of the appropriation to the extent that the regional school district does not recover these amounts from the person or persons to whom the amounts were paid. The superior court or a single justice of the supreme judicial court shall have jurisdiction to adjudicate claims brought by the regional school district under this act and to order relief that the court finds appropriate to prevent further violations of this section. Any violation of this section shall be considered sufficient cause for removal.

SECTION 7. For the purposes of this act, the word "official" shall mean a regional school district administrator or other employee, permanent, temporary or acting, including the superintendent of schools, and all members of the school committee, and the word "emergency" shall mean a major disaster, including, but not limited to, flood, drought, fire, hurricane, earthquake, storm or other catastrophe, whether natural or otherwise, which poses an unexpected and immediate threat to the health and safety of persons or property.

SECTION 8. In any year during which bonds or notes authorized under this act remain outstanding, the commissioner of revenue may withhold the local aid payment to be made to the district on December 31 until an audit report for the preceding fiscal year has been received and accepted by the commissioner. The audit report shall be prepared by a certified public accountant in accordance with generally accepted auditing standards and shall include accompanying financial statements. In any year during which bonds or notes authorized under this act remain outstanding, the regional school district shall submit to the commissioner quarterly reports presenting a budget to actual comparison of revenues and expenditures. The written reports shall be submitted within 30 days after the conclusion of each fiscal quarter and shall be in such form and include such information and detail as the commissioner may prescribe. In any year during which bonds or notes authorized by this act remain outstanding, the regional school district shall not issue any bond, note or other form of indebtedness without written notification to, and the approval of, the commissioner.

SECTION 9. This act shall take effect upon its passage.

Approved March 31, 2006.

Chapter 51. AN ACT RELATIVE TO THE TREATMENT OF WASTE WATER IN THE TOWN OF SHREWSBURY.

Be it enacted, etc., as follows:

The towns of Westborough and Shrewsbury may amend an agreement entered into by the 2 towns as authorized by chapter 412 of the acts of 1979, entitled "Agreement for the Construction and Operation of the Westborough Treatment Plant," dated September 11, 1979: (i) to include a provision whereby the design flow capacity of the treatment plant shall be allocated between the 2 towns as mutually agreed upon; (ii) to authorize the town of Shrewsbury to adopt sewer regulations or by-laws whereby the design flow capacity allocated to the town of Shrewsbury may be further allocated and reserved for various types of uses and developments within the town of Shrewsbury pursuant to the engineering report entitled "Wastewaters Allocation Study" completed by Fay, Spofford and Thorndike Engineers, Inc. dated March 2005; and (iii) to provide that, notwithstanding section 3 of chapter 83 of the General Laws or any other general or special law to the contrary, the town of Shrewsbury sewer commission shall not be required to connect any residence, facility or lot to the town's sewer system.

Approved March 31, 2006.

Chapter 52. AN ACT RELATIVE TO THE MEMBERSHIP OF THE HAMPSHIRE COUNTY HOUSING AUTHORITY.

Be it enacted, etc., as follows:

Section 1 of chapter 419 of the acts of 1976 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

There shall be in Hampshire county, in this act called the county, a public body politic and corporate to be known as the Hampshire County Regional Housing Authority, in this act called the authority. The authority shall be managed, controlled, and governed by 5 members, 3 of whom shall constitute a quorum. Four members shall be appointed by the county commissioners of Hampshire county, but not more than 1 of the members shall be chosen from any 1 city or town. One member shall be appointed for an initial term of 1 year, 1 member shall be appointed for an initial term of 2 years, 1 member shall be appointed for an initial term of 4 years, 1 member shall be appointed for an initial term of 5 years, and 1 member shall be appointed by the department of housing and community development, in this act called the department, for an initial term of 3 years, their successors to be appointed in the same manner and by the same body for terms of 5 years from expiration of the terms of the original appointees.

Approved March 31, 2006.

Chapter 53. AN ACT AUTHORIZING THE TOWN OF HINGHAM TO CONVEY CERTAIN LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Hingham, acting by or through its board of selectmen, may sell or transfer a parcel of land containing approximately 2.72 acres currently used by the town for park and recreation purposes to the Thomas J. Hastings Co., LLC or other grantee as identified in and pursuant to the terms and conditions in the Development Agreement dated April 25, 2005, between the board of selectmen and the Thomas J. Hastings Co., LLC. The parcel is shown as Lot A on a plan entitled "Proposed Zoning Plan of Land, 224 Beal Street, Hingham, MA 02043," prepared by Coler & Colantonio, dated March 14, 2005, as amended on March 28, 2005, in this act called the Plan.

SECTION 2. In consideration of the conveyance described in section 1, the town shall receive a parcel of land identified as Lot C on the Plan and improvements to the adjacent town-owned land within Bare Cove Park, pursuant to the terms and conditions set forth in the Development Agreement referred to in section 1. Lot C shall be transferred to the town for park and recreation purposes. The board of selectmen shall determine whether this parcel is equal to or greater than the full and fair market value of the property described

in section 1, or its value in use as proposed, whichever is greater, as determined by independent appraisal. If there is a disparity in these values in favor of the grantee, the grantee shall pay a sum equal to the difference to the town.

SECTION 3. The grantees of Lot A shall pay for all costs of any appraisals, surveys and other expenses for the conveyances authorized by this act as may be considered necessary by the board of selectmen.

SECTION 4. This act shall take effect upon its passage.

Approved March 31, 2006.

Chapter 54. AN ACT EXTENDING SIMULCASTING OF HORSE AND GREYHOUND RACING.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to extend forthwith the provisions governing simulcasting, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 12A of chapter 494 of the acts of 1978 is hereby amended by striking out the words ", and until March 31, 2006", inserted by section 2 of chapter 176 of the acts of 2005, and inserting in place thereof the following words:- , and until December 31, 2006.

SECTION 2. The last paragraph of said section 12A of said chapter 494 is hereby amended by striking out the words "March 31, 2006", inserted by section 3 of said chapter 176, and inserting in place thereof the following words:-December 31, 2006.

SECTION 3. The introductory paragraph of section 13 of said chapter 494 is hereby amended by striking out the words ", and until March 31, 2006", inserted by section 4 of said chapter 176, and inserting in place thereof the following words:- , and until December 31, 2006.

SECTION 4. Section 15 of said chapter 494 is hereby amended by striking out the words ", and until March 31, 2006", inserted by section 5 of said chapter 176, and inserting in place thereof the following words:- , and until December 31, 2006.

SECTION 5. The first paragraph of section 9 of chapter 277 of the acts of 1986 is hereby amended by striking out the words ", and until March 31, 2006", inserted by section 6 of said chapter 176, and inserting in place thereof the following words:- , and until December 31, 2006.

SECTION 6. The first sentence of the first paragraph of section 3 of chapter 114 of the acts of 1991 is hereby amended by striking out the words " , and until March 31, 2006",

inserted by section 7 of said chapter 176, and inserting in place thereof the following words:- , and until December 31, 2006.

SECTION 7. The last paragraph of said section 3 of said chapter 114 is hereby amended by striking out the words "March 31, 2006", inserted by section 8 of said chapter 176, and inserting in place thereof the following words:-December 31, 2006.

SECTION 8. The first paragraph of section 4 of said chapter 114 is hereby amended by striking out the words ", and until March 31, 2006", inserted by section 9 of said chapter 176, and inserting in place thereof the following words:- , and until December 31, 2006.

SECTION 9. The last paragraph of said section 4 of said chapter 114 is hereby amended by striking out the words "March 31, 2006", inserted by section 10 of said chapter 176, and inserting in place thereof the following words:- December 31, 2006.

SECTION 10. The first paragraph of section 5 of said chapter 114 is hereby amended by striking out the words ", and until March 31, 2006", inserted by section 11 of said chapter 176, and inserting in place thereof the following words:- , and until December 31, 2006.

SECTION 11. Section 13 of chapter 101 of the acts of 1992 is hereby amended by striking out the words "March 31, 2006", inserted by section 12 of said chapter 176, and inserting in place thereof the following words:- December 31, 2006.

SECTION 12. Section 45 of chapter 139 of the acts of 2001 is hereby amended by striking out the words "March 31, 2006", inserted by section 12 of said chapter 176, and inserting in place thereof the following words:- December 31, 2006.

Approved April 6, 2006.

Chapter 55. AN ACT INCREASING THE ACCIDENTAL DEATH BENEFIT PAYABLE TO SURVIVING CHILDREN.

Be it enacted, etc., as follows:

Paragraph (d) of subdivision (2) of section 9 of chapter 32 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following 2 clauses:-

(i) In the state employees' and teachers' retirement systems, the additional pension shall be fixed at a rate equal to the additional pension determined by the actuary under clause (iii) of paragraph (a) of subdivision (2) of section 7 and shall be increased by an amount equal to the percentage increase of the cost-of-living increase determination made by the general court for each year under section 102.

(ii) Any system which has adopted the supplemental dependent allowance under clause (iii) of paragraph (a) of subdivision (2) of section 7, may accept the provisions of this

clause by an affirmative vote of the retirement board, ratified by the chief executive officer and legislative body as defined in paragraph (c) of subdivision (8) of section 22, and the additional pension shall be fixed at a rate equal to the additional pension determined by the actuary under said clause (iii) of said paragraph (a) of said subdivision (2) of said section 7 and shall be increased by an amount equal to the percentage increase of the cost-of-living increase determination made by the general court for each year under section 102. Any increased benefits provided by the acceptance of this clause shall be paid from the date of acceptance and shall not be paid retroactively. Acceptance of this clause may not be revoked. Acceptance of this clause shall be considered to have occurred upon the filing of certification of this vote with the commission.

Approved April 6, 2006.

Chapter 56. AN ACT ESTABLISHING A SICK LEAVE BANK FOR ELLEN E. BRIGGS, AN EMPLOYEE OF THE TRIAL COURT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Ellen E. Briggs, an employee of the court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Ellen E. Briggs. Whenever Ellen E. Briggs terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of the sick leave shall be transferred to the trial court paid sick leave bank.

Approved April 7, 2006.

Chapter 57. AN ACT ADDRESSING THE SPECIAL EDUCATION NEEDS OF CHILDREN WITH AUTISM SPECTRUM DISORDER.

Be it enacted, etc., as follows:

The sixth paragraph of section 3 of chapter 71B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following sentence:- Whenever an evaluation indicates that a child has a disability on the autism spectrum, which

includes autistic disorder, Asperger's disorder, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, or Rhett's Syndrome, as defined in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association, the Individualized Education Program (IEP) team, as defined by regulations of the department, shall consider and shall specifically address the following: the verbal and nonverbal communication needs of the child; the need to develop social interaction skills and proficiencies; the needs resulting from the child's unusual responses to sensory experiences; the needs resulting from resistance to environmental change or change in daily routines; the needs resulting from engagement in repetitive activities and stereotyped movements; the need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder; and other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development.

Approved April 7, 2006.

Chapter 58. AN ACT PROVIDING ACCESS TO AFFORDABLE, QUALITY, ACCOUNTABLE HEALTH CARE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to expand access to health care for Massachusetts residents, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2006 for the purpose of funding certain costs associated with health care reform, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those other appropriation acts, for the several purposes and subject to the conditions specified in this act or in these other appropriation acts and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2006. The sums in said section 2 shall be in addition to any amounts previously appropriated and made available for the purposes of those items, provided further, that all funds appropriated in this section shall not revert and shall be available for expenditure until June 30, 2007.

SECTION 2.

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Office of the Secretary

4000-0352 ..... $3,000,000

Department of Public Health

4513-1026 ..... $750,000
4513-1112 ..... $1,000,000
4513-1114 ..... $750,000
4513-1115 ..... $250,000
4513-1121 ..... $200,000
4530-9000 ..... $1,000,000
4570-1500 ..... $4,000,000
4590-0300 ..... $4,000,000

EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT

Division of Insurance

7006-0020 For costs related to the special commission to examine and study the impact of merging the non-group insurance market as defined in chapter 176M of the General Laws and small-group health insurance market as defined in chapter 176J of the General Laws, established pursuant to section 114 of this act $500,000

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise, for the several purposes and subject to the conditions specified in this section, and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2006. The sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items, provided further, that all funds appropriated in this section shall not revert and shall be available for expenditure until June 30, 2007.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Reserves

1599-2006 For a reserve to fund the additional administrative costs associated with the implementation of this act, including, but not limited to, costs of commonwealth personnel and overtime, contracts, and the purchase of new information technologies as necessary; provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations for fiscal years 2006 and 2007 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose,

in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that the secretary may only transfer such amounts to other items of appropriation and allocations within the executive office for administration and finance, the executive office of health and human services, and the division of insurance; and provided further that the secretary shall transfer funds from the sum appropriated herein for the cost of the health care quality and cost council in fiscal year 2007 ..... $10,000,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Office of the Secretary

4000-0140 For the operation of the Betsy Lehman center for patient safety and medical error reduction established in section 16E of chapter 6A of the General Laws $500,000

4000-0301 For the costs of MassHealth provider and member audit and utilization review activities including, but not limited to, eligibility verification, disability evaluations, provider financial and clinical audits and other initiatives intended to enhance program integrity; provided, that $150,000 shall be expended for the operation of the Medicaid fraud control unit within the office of the attorney general; and provided further, that $150,000 shall be expended for MassHealth auditing within the office of the state auditor $1,500,000

Department of Public Health

4513-1111 For an osteoporosis education and prevention program; provided, that the program shall include, but not be limited to: (1) development or identification of educational materials to promote public awareness of the cause of osteoporosis, options for prevention and the value of early detection and possible treatments, including their benefits and risks, to be made available to consumers, particularly targeted to high risk groups; (2) development or identification of professional education programs for health care providers; (3) development and maintenance of a list of current providers of specialized services for the prevention and treatment of osteoporosis; and (4) a program for awareness, prevention and treatment of hip fractures $100,000

4513-1122 For an ovarian cancer screening, education and treatment program; provided, that no funds shall be expended in the AA object class for any personnel-related costs $200,000

4513-1116 For a renal disease program; provided, that not less than $100,000 shall be expended for renal disease programs administered by the National Kidney Foundation of Massachusetts, Rhode Island, Vermont and New Hampshire, including organ donor awareness, nutritional supplements and early intervention services for those affected with renal disease and those at risk of renal disease $100,000

4516-0264 For a diabetes screening and outreach program to raise public awareness and provide outreach and education for high risk individuals, including, but not limited to, targeted populations of adolescents and the elderly $350,000

4570-1502 For the purposes of implementing a proactive statewide infection prevention and control program; provided, that notwithstanding any general or special law to the contrary, the department of public health shall, through its division of health care quality, develop a proactive statewide infection prevention and control program in licensed health care facilities following protocols of the centers for disease control for the purposes of implementation and adherence to infection control practices that are the keys to preventing the transmission of infectious diseases, including respiratory diseases spread by droplet or airborne routes; provided further, that recommended infection control practices shall include, but not be limited to, hand hygiene; standard precautions and transmission-based precautions, including contact, droplet and airborne, and respiratory hygiene; and provided further, that the infection prevention and control program shall include mandatory education in the recommended infection control practices for licensed health care personnel and employees of licensed health care facilities and penalties for individual and institutional noncompliance with centers for disease control protocols $1,000,000

4590-1503 For the pediatric palliative care program established in section 24K of chapter 111 of the General Laws $800,000

SECTION 3. Chapter 6A of the General Laws is hereby amended by inserting after section 16i the following 6 sections:—

Section 16J. As used in this section and in sections 16K and 16L, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

"Clinician", a health care professional licensed under chapter 112.

"Council", the health care quality and cost council, established by section 16K.

"Facility", a hospital, clinic or nursing home licensed under chapter 111 or a home health agency.

"Health care provider", a clinician, a facility or a physician group practice.

"Insurer", a carrier authorized to transact accident and health insurance under chapter 175, a nonprofit hospital service corporation licensed under chapter 176A, a nonprofit medical service corporation licensed under chapter 176B, a dental service corporation organized under chapter 176E, an optometric service corporation organized under chapter 176F and a health maintenance organization licensed under chapter 176G.

"Physician group practice", 2 or more physicians who deliver patient care, make joint use of equipment and personnel and divide income by a prearranged formula.

Section 16K. There shall be a health care quality and cost council within, but not subject to control of, the executive office of health and human services. The council shall establish health care quality improvement and cost containment goals. The goals shall be designed to promote high-quality, safe, effective, timely, efficient, equitable and patient-centered health care. The council shall receive staff assistance from the executive office of health and human services and may, subject to appropriation, employ such additional staff or consultants as it may deem necessary. The council shall consist of the secretary of health and human services, the auditor of the commonwealth or his designee, the inspector general or his designee, the attorney general or his designee, the commissioner of insurance, the executive director of the group insurance commission, and 7 persons to be appointed by the governor, 1 of whom shall be a representative of a health care quality improvement organization recognized by the federal Centers for Medicare and Medicaid services, 1 of whom shall be a representative of the Institute for Healthcare Improvement, Inc. recommended by the organization's board of directors, 1 of whom shall be a representative of the Massachusetts Chapter of the National Association of Insurance and Financial Advisors, 1 of whom shall be a representative of the Massachusetts Association of Health Underwriters, 1 of whom shall be a representative of the Massachusetts Medicaid Policy Institute, 1 of whom shall be an expert in health care policy from a foundation or academic institution and 1 of whom shall represent a non-governmental purchaser of health insurance. The representatives of nongovernmental organizations shall serve staggered 3-year terms. The council shall be chaired by the secretary of health and human services.

Section 16L. (a) The council shall develop and coordinate the implementation of health care quality improvement goals that are intended to lower or contain the growth in health care costs while improving the quality of care, including reductions in racial and ethnic health disparities. For each such goal, the council shall identify the steps needed to achieve the goal; estimate the cost of implementation; project the anticipated short-term or long-term financial savings achievable to the health care industry and the commonwealth, and estimate the expected improvements in the health status of health care consumers in the commonwealth.

(b) The council may, subject to chapter 30B, contract with an independent health care organization to provide the council with technical assistance related to its duties including, but not limited to, the development of health care quality goals, cost containment goals, performance measurement benchmarks, the design and implementation of health quality interventions, the construction of a consumer health information website and the preparation of reports, including any reports as required by this section. The independent health care organization shall have a history of demonstrating the skill and expertise necessary to: (i) collect, analyze and aggregate data related to costs and quality across the health care continuum; (ii) identify, through data analysis quality improvement areas; (iii) work with Medicare, MassHealth, other payers' data and clinical performance measures; (iv) collaborate in the design and implementation of quality improvement measures; (v) establish and maintain security measures necessary to maintain confidentiality and preserve the integrity of the data; (vi) design and implement health care quality improvement interventions with health care service providers; and (vii) identify and, when necessary, develop appropriate measures of cost and quality for inclusion in the website. To the extent possible, the independent organization shall collaborate with other organizations that develop, collect and publicly report health care cost and quality measures.

(c) Any independent organization under contract with the council shall develop and update on an annual basis a reporting plan specifying the cost and quality measures to be included on the internet site. The reporting plan shall be consistent with the requirements of subsections (a) and (b). The organization shall give consideration to those measures that are already available in the public domain and to whether it is cost effective for the council to license commercially available comparative data and consumer decision support tools. If the organization determines that making available through the internet site only those measures already available in the public domain would not fully comply with subsection (b) or would not provide consumers with sufficient information to make informed health care choices, the organization shall develop appropriate measures for inclusion on the internet site and shall specify in the reporting plan the sources from which it proposes to obtain the data necessary to construct those measures and any specifications for reporting of that data by insurers and health care providers. As part of the reporting plan, the organization shall determine for each service that comparative information is to be included on the internet site whether it is more practical and useful to: (1) list that service separately or as part of a group of related services; and (2) combine the cost information for each facility and its affiliated clinicians and physician practices or to list facility and professional costs separately. The independent organization shall submit the reporting plan and any periodic revisions to the council. The council shall, after due consideration and public hearing, adopt or reject the reporting plan or any revisions. If the council rejects the reporting plan or any revisions, the council shall state its reasons therefor. The reporting plan and any revisions adopted by the council shall be promulgated by the council.

(d) Insurers and health care providers shall submit data to the council or to the independent organization on behalf of the council, as required by regulations promulgated

under subsection (e). If any insurer or health care provider fails to submit required data to the council on a timely basis, the council shall provide written notice to the insurer or provider. If the insurer or health care provider fails, without just cause, to provide the required information within 2 weeks following receipt of said written notice, the insurer or provider may be required to pay a penalty of $1,000 for each week of delay; provided, however, that the maximum penalty under this section shall be $50,000.

(e) The council may promulgate additional rules and regulations relative to the type of information that reasonably may be required and the format in which it should be provided for the implementation the quality improvement and cost containment goals.

(f) The council may adopt by-laws for itself and for its advisory committee for the efficient operation of both organizations, and may recommend that public or private health care organizations be responsible for overseeing implementation of a goal and may assist these organizations in developing implementation plans.

(g) The council shall develop performance measurement benchmarks for its goals and publish such benchmarks annually, after consultation with lead agencies and organizations and the council's advisory committee. Such benchmarks shall be developed in a way that advances a common national framework for quality measurement and reporting including, but not limited to measures that are approved by the National Quality Forum and adopted by the Hospitals Quality Alliance and other national groups concerned with quality. Performance benchmarks shall be clinically important and include both process and outcome data, shall be standardized, timely, and allow and encourage physicians, hospitals and other health care professionals to improve their quality of care. Any data reported by the council should be accurate and evidence-based, and not imply distinctions where comparisons are not statistically significant. Members of the advisory committee established by this section shall have reasonable opportunity to review and comment on all reports before public release.

(h) The council shall establish and maintain a consumer health information website. The website shall contain information comparing the cost and quality of health care services and may also contain general information related to health care as the council determines to be appropriate. The website shall be designed to assist consumers in making informed decisions regarding the medical care and informed choices between health care providers. Information shall be presented in a format that is understandable to the average consumer. The council shall take appropriate action to publicize the availability of its website and make available written documentation available upon request and as necessary.

(i) the internet site shall provide updated information on a regular basis, at least annually, and additional comparative cost and quality information shall be posted as determined by the council. To the extent possible, the internet site shall include: (i) comparative quality information by facility, clinician or physician group practice for each service or category of service for which comparative cost information is provided, (ii) general information related to each service or category of service for which comparative information

is provided; and (iii) comparative quality information by facility, clinician or physician practice that is not service-specific, including information related to patient safety and satisfaction.

(j) The council shall conduct annual public hearings to obtain input from health care industry stakeholders, health care consumers and the general public regarding the goals and the performance measurement benchmarks. The council shall invite the stakeholders involved in implementing or achieving each goal to assist with the implementation and evaluation of progress for each goal.

(k) The council shall review and file a report, not less than annually, with the joint committee on health care financing and the clerks of the house and senate on its progress in achieving the goals of improving quality and containing or reducing health care costs. Reports of the council shall be made available electronically through an internet site.

(l) The council shall establish an advisory committee to allow the broadest Massachusetts involvement of health care industry and other stakeholders in the establishment of its goals and the review of its progress. The advisory committee shall include 1 member representing the Massachusetts Medical Society, 1 member representing the Massachusetts Hospital Association, 1 member representing the Massachusetts Association of Health Plans, 1 member representing Blue Cross Blue Shield of Massachusetts, 1 member representing the Massachusetts AFL-CIO, 1 member representing the Massachusetts League of Community Health Centers, 1 member representing Health Care for All, Inc., 1 member representing the Massachusetts Public Health Association, 1 member representing the Massachusetts Association of Behavioral Health Systems, 1 member representing the Massachusetts Extended Care Federation, 1 member representing the Massachusetts Council of Human Service Providers, 1 member representing the Home Care Alliance of Massachusetts, 1 member representing Associated Industries of Massachusetts, 1 member of the Massachusetts Business Roundtable, 1 member of the Massachusetts Taxpayers Foundation, 1 member of the Massachusetts chapter of the National Federation of Independent Business, 1 member of the Massachusetts Biotechnology Council, 1 member representing the Blue Cross Blue Shield Foundation, 1 member representing the Massachusetts chapter of the American Association of Retired Persons, 1 member representing the Massachusetts Coalition of Taft Hartley Trust Funds, and additional members to be appointed by the governor which shall include, but not be limited to, a representative of the mental health field, a representative of pediatric health care, a representative of primary care, a representative of medical education, a representative of racial or ethnic minority groups concerned with health care, a representative of hospice care, a representative of the nursing profession and a representative of the pharmaceutical field.

(m) The council may recommend legislation or regulatory changes, including recommendations for the commonwealth's health care payment methodologies to promote the health care quality and cost containment goals set by the council, and the council may promulgate regulations under this section.

(n) subject to appropriation, the council may disburse funds in the form of grants or loans to assist members of the health care industry in implementing the goals of the council.

(o) all meetings of the council shall conform to chapter 30A, except that the council, through its bylaws, may provide for executive sessions of the council. No action of the council shall be taken in an executive session.

(p) the members of the council shall not receive a salary or per diem allowance for serving as members of the council but shall be reimbursed for actual and necessary expenses reasonably incurred in the performance of their duties. The expenses may Massachusetts reimbursement for reasonable travel and living expenses while engaged in council business.

(q) the council may, subject to chapter 30B and subject to appropriation, procure equipment, office space, goods and services, including the development and maintenance of the website.

Section 16M. (a) there shall be a MassHealth payment policy advisory board. The board shall consist of the secretary of health and human services or his designee, who shall serve as chair, the commissioner of health care financing and policy, and 12 other members: 1 member appointed by the speaker of the house; 1 member appointed by the president of the senate; 1 member appointed by the Massachusetts Hospital Association; 1 member appointed by the Massachusetts Medical Society; 1 member appointed by the Massachusetts Extended Care Federation; 1 member appointed by Mass Aging Services Association, 1 member appointed by the Home Care Alliance of Massachusetts; 1 member appointed by the Massachusetts League of Community Health Centers; 1 member appointed by Mental Health and Substance Abuse Corporations of Massachusetts; 1 member appointed by the Massachusetts Medicaid Policy Institute; 1 member appointed by the Massachusetts Association of Behavioral Health Systems; 1 member appointed by Planned Parenthood League of Massachusetts; and 2 members appointed by the governor, 1 member representing managed care organizations contracting with MassHealth and 1 member being an expert in medical payment methodologies from a foundation or academic institution.

(b) the board shall have the following powers and duties:—

(1) to obtain from the office of Medicaid all data and analysis required to fully meet its charge under this section and to obtain further data and analysis from the division of health care finance and policy as authorized in chapter 118G of the General Laws;

(2) to conduct public hearings;

(3) to review and evaluate rates and payment systems by the office of Medicaid and recommend Title XIX rates and rate methodologies that provide fair compensation for MassHealth services and promote high-quality, safe, effective, timely, efficient, culturally competent and patient-centered care. The board shall specifically review rates and rate methodologies for MassHealth services provided by community health centers. The division shall provide the board with the appropriate information not later than 45 days before the proposals are adopted into regulation; and

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(4) to report to the joint committee on health care financing and the house and senate committees on ways and means semi-annually to coincide with the state budget hearings and development.

(c) the executive office of health and human services shall provide the board with staff from the division of health care finance and policy necessary to complete needed research and analysis and enable the committee to make effective recommendations. Not less than 90 days before implementing any of the payment policies established under this section, the division shall provide a detailed plan of implementation of the policies to the joint committee on health care financing and to the house and senate committees on ways and means.

Section 16N. There shall be a special commission to study the feasibility of reducing or eliminating the contribution made by contributing employers to the uncompensated care trust fund. The commission shall consist of: the secretary of health and human services or his designee, who shall serve as chair; the commissioner of health care finance and policy or his designee; the commissioner of insurance or his designee; 2 members appointed by the speaker of the house of representatives; 1 member appointed by the minority leader of the house of representatives; 2 members appointed by the president of the senate; and 1 member appointed by the minority leader of the senate.

The study shall evaluate the amount of reimbursements provided from the uncompensated care pool, or any successor fund, for the medical care of the uninsured or underinsured patients in the commonwealth on the first day of each hospital fiscal year and compare it to the amount of reimbursements provided from the uncompensated care pool, or any successor fund, for the medical care of the uninsured or underinsured patients in the commonwealth on the first day of the preceding hospital fiscal year in order to determine whether a decrease or elimination of the contribution by contributing employers is possible based on the amount of reduction, if any, in the amount of reimbursements provided from the uncompensated care pool, or any successor fund, for the medical care of the uninsured or underinsured patients in the commonwealth during a hospital fiscal year.

The commission shall report annually to the senate president, minority leader of the senate, senate committee on ways and means, speaker of the house of representatives, minority leader of the house of representatives and the house committee on ways and means no later than the first day in December.

Section 16O. There shall be a health disparities council, located within, but not subject to the control of, the executive office of health and human services. The council shall make recommendations regarding reduction and elimination of racial and ethnic disparities in health care and health outcomes within the commonwealth. The disparities shall include, but not be limited to, breast, cervical, prostate and colorectal cancers, stroke and heart attack, heart disease, diabetes, infant mortality, lupus, HIV/AIDS, asthma and other respiratory illnesses. The council shall address diversity in the health care workforce, including, but not limited to, doctors, nurses and physician assistants, and shall make recommendations on methods to increase the health care workforce. The council may also make recommendations

on other matters impacting upon and relevant to health disparities including but not limited to the environment and housing.

The council shall consist of 34 members: 1 member representing the secretary of health and human services; 1 member representing the commissioner of public health; 1 member representing the director of the Office of Medicaid; 3 members of the house of representatives, 1 of whom shall be designated by the speaker of the house as co-chair of the commission; 3 members of the senate, 1 of whom shall be designated by the senate president as co-chair of the commission; 1 member representing the American Cancer Society Massachusetts Division; 1 member representing the American Heart Association New England Division; 1 member representing Massachusetts General Hospital; 1 member representing Brigham and Women's Hospital; 1 member representing the Dana Farber Cancer Center; 1 member representing the Massachusetts League of Community Health Centers; 1 member representing the Massachusetts Medical Society; 1 member representing Boston Public Health Commission; 1 member representing the Office of Multicultural Health in the Department of Public Health; 1 member representing the Springfield Health Department; 1 member representing the Worcester Health Department; 2 members representing the nursing profession, 1 of whom shall be designated by Massachusetts School Nurses Organization and 1 of whom shall be designated by the Massachusetts Association of Public Health Nurses; 1 member representing the Massachusetts Association of Health Plans; 1 member representing the Program to Eliminate Health Disparities at the Harvard School of Public Health; 1 member representing Boston Medical Center Corporation; 1 member from the Massachusetts Public Health Association; 4 members from communities disproportionately affected by health disparities to be appointed by the speaker of the house; and 4 members from communities disproportionately affected by health disparities to be appointed by the senate president. The council membership shall be re-determined by the speaker of the house of representatives, the president of the senate and the governor on July 1, 2007.

The council shall file an annual report at the end of each fiscal year with the office of the governor, the clerk of the house of representatives and the clerk of the senate. The report shall include, but not be limited to, recommendations for designing, implementing and improving programs and services, proposals for appropriate statutory and regulatory changes to reduce and eliminate disparities in access to health care services and quality care and the disparities in medical outcomes in the commonwealth, and shall address diversity and cultural competency in the health care workforce, including but not limited to, doctors, nurses and physician assistants.

SECTION 4. Section 35M of chapter 10 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 10 and 11, the following words:— "; but, any unexpended balance at the end of the fiscal year shall revert to the General Fund".

SECTION 5. Chapter 17 of the General Laws is hereby amended by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. (a) There shall be a public health council to advise the commissioner of public health and to perform other duties as required by law. The council shall consist of the commissioner of public health as chairperson and 17 members appointed for terms of 6 years under this section. The commissioner may designate 1 of the members as vice chairperson and may appoint subcommittees or special committees as needed.

(b) Five of the appointed members shall be the chancellor of the University of Massachusetts Medical School or his designee; the dean of the University of Massachusetts Amherst School of Public Health and Health Sciences or his designee; the dean of the Harvard University School of Public Health or his designee; the dean of Public Health Program at Tufts University School of Medicine or his designee, and the dean of the Boston University School of Public Health or his designee.

(c) Six of the appointed members shall be providers of health services: 1 shall be the chief executive officer of an acute care hospital appointed by the Massachusetts Hospital Association; 1 shall be the chief executive officer of a skilled nursing facility appointed by the Massachusetts Extended Care Federation; 2 shall be registered nurses, to be appointed by the board of registration of nurses and shall be the highest vote-getters on a mail ballot sent to the address of record of all registered nurses licensed by the board of registration of nurses, 1 of whom shall be a nurse executive; and 2 shall be physicians appointed by the Massachusetts Medical Society, 1 of whom shall be a primary care physician.

(d) Six of the appointed members shall be non-providers: 1 shall be appointed by the secretary of elder affairs; 1 shall be appointed by the secretary of veterans' services; 1 shall be appointed by Health Care For All, Inc.; 1 shall be appointed by the Coalition for the Prevention of Medical Errors, Inc.; 1 shall be appointed by the Massachusetts Public Health Association; and 1 shall be appointed by the Massachusetts Community Health Worker Network.

(e) For purposes of this section, "non-provider" shall mean a person whose background and experience indicate that he is qualified to act on the council in the public interest; who, and whose spouse, parents, siblings or children, have no financial interest in a health care facility; who, and whose spouse has no employment relationship to a health care facility, to a nonprofit service corporation established under chapters 176A to 176E, inclusive, or to a corporation authorized to insure the health of individuals; and who, and whose spouse, is not licensed to practice medicine.

(f) Upon the expiration of the term of office of an appointive member, his successor shall be appointed in the same manner as the original appointment, for a term of 6 years and until the qualification of his successor. The members shall be appointed not later than 60 days after a vacancy. The council shall meet at least once a month, and at such other times as it shall determine by its rules, or when requested by the commissioner or any 4 members. The appointive members shall receive $100 per day that the council meets, and their reasonably necessary traveling expenses while in the performance of their official duties.

SECTION 6. Chapter 26 of the General Laws is hereby amended by inserting after section 7 the following section:—

Section 7A. There shall be in the division of insurance a health care access bureau overseen by a deputy commissioner for health care access, whose duties shall include, subject to the direction of the commissioner of insurance, administration of the division's statutory and regulatory authority for oversight of the small group and individual health insurance market, oversight of affordable health plans, including coverage for young adults, as well as the dissemination of appropriate information to consumers about health insurance coverage and access to affordable products. The commissioner shall appoint at least the following employees of the health care access bureau: a deputy commissioner for health access, a health care finance expert, an actuary, and a research analyst. They shall devote their full time to the duties of their office, shall be exempt from chapters 30 and 31, and shall serve at the pleasure of the commissioner. The commissioner may appoint such other employees as the bureau may require.

SECTION 6A. Chapter 26 of the General Laws is hereby amended by inserting after section 7A the following section:—

Section 7B. For the purposes of implementing chapter 111M, the health care access bureau shall maintain a database of members of health benefit plans. Carriers licensed under chapters 175, 176A, 176B, and 176G and the office of Medicaid shall report on the first day of each month to the bureau the names, and any other identifying information as determined by the division of insurance, of each resident of the commonwealth for whom creditable coverage, as defined in said chapter 111M, was provided during the previous month. The division shall enter into an inter-agency agreement with the department of revenue for purposes of implementing said chapter 111M and, in consultation with the department of revenue, shall adopt regulations defining the content of such reports, which shall be limited to the minimum amount of personal information necessary for the purposes of said chapter 111M. These reports shall not contain any information pertaining to previous or current health conditions or treatments. The division of insurance may transfer the content of the database to the department of revenue for the purposes of implementing chapter 111M.

SECTION 7. Section 8H of said chapter 26, as appearing in the 2004 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:—

The division of insurance, in consultation with the commonwealth health insurance connector established by chapter 176Q, shall establish and publish minimum standards and guidelines at least annually for each type of health benefit plans, except qualified student health insurance plans as set forth in section 18 of chapter 15A, provided by insurers and health maintenance organizations doing business in the commonwealth.

SECTION 8. Chapter 29 of the General Laws is hereby amended by inserting after section 2NNN the following 4 sections:—

Section 2OOO. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Commonwealth Care Trust Fund, in this

section called the trust fund. There shall be credited to the trust fund: (a) all contributions collected under section 188 of chapter 149, (b) all revenue from surcharges imposed under section 18B of chapter 118G, (c) any transfers from the Health Safety Net Trust Fund, established by section 57 of chapter 118E, (d) any funds that may be appropriated or transferred for deposit into the trust fund for the purposes of the demonstration program approved the Secretary of the United States Department of Health and Human Services under section 1115 of the Social Security Act, as extended or renewed from time to time and (e) revenue deposited pursuant to penalties collected under chapter 111M. Amounts credited to the trust fund shall be expended without further appropriation for programs designed to increase health coverage, including a program of subsidized health insurance provided to low-income residents of the commonwealth under chapter 118H and rate increases to certain Medicaid providers and supplemental payments to certain publicly operated or public-service hospital entities, as determined by law. Money from the trust fund may be transferred to the Uncompensated Care Trust Fund, established by section 18 of chapter 118G, or any successor fund, as necessary to provide payments to acute hospitals and community health centers for reimbursable health services. Not later than January 1, the comptroller shall report an update of revenues for the current fiscal year and prepare estimates of revenues to be credited to the trust fund in the subsequent fiscal year. The comptroller shall file this report with the secretary of administration and finance, the office of Medicaid, the joint committee on health care financing, and the house and senate committees on ways and means. If revenues credited to the trust fund are less than the amounts estimated to be credited to the trust fund, the comptroller shall duly notify the secretary, office and committees that this revenue deficiency shall require proportionate reductions in expenditures from the revenues available to support programs appropriated from the trust fund.

Section 2PPP. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Essential Community Provider Trust Fund, in this section called the trust fund. There shall be credited to the trust fund: (a) any funds that may be appropriated or transferred for deposit into the trust fund; and (b) any income derived from investment of amounts credited to the trust fund. In conjunction with the preparation of the commonwealth's annual financial report, the comptroller shall prepare and issue an annual report detailing the revenues and expenditures of the trust fund. The comptroller shall certify payments, including payments during the accounts payable period, in anticipation of revenues, including receivables due and collectibles during the months of July and August, from the trust fund for the purpose of making authorized expenditures. The health safety net office shall administer the trust fund and disburse funds from the trust fund for the purpose of payments to acute hospitals and community health centers under clause (6) of paragraph (b) of section 56 and any further regulations promulgated by the office.

Section 2QQQ. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Medical Assistance Trust Fund, in this

section called the trust fund, administere d by the secretary of health and human services. There shall be credited to the trust fund: (a) any funds directed to the commonwealth from public entities, and (b) federal reimbursements related to medical assistance payments funded by such funds. All amounts credited to the trust fund shall be available for expenditure by the secretary to be used for medical assistance payments to entities authorized by the general court, and for which a public entity has contractually agreed to direct funds to the trust fund. Any amount in excess of such medical assistance payments may be credited to the General Fund and the amount of all such expenditures shall be subject to annual approval by the general court. The maximum payments from the trust fund shall not exceed those permissible for federal reimbursement under Title XIX or Title XXI of the Social Security Act or any successor federal law. The comptroller may make payments, including payments during the accounts payable period, in anticipation of revenues, including receivables due and collectibles during the months of July and August, and shall establish procedures for reconciling overpayments or underpayments from the trust fund. Such procedures shall include, but not be limited to, appropriate mechanisms for refunding public funds directed to the trust fund and federal reimbursements upon recoupment of any such overpayments. The secretary of health and human services shall submit to the secretary of administration and finance and the house and senate committees on ways and means a schedule of such payments 10 days before any expenditures, and no funds shall be expended without an enforceable agreement with or legal obligation imposed upon a public entity to make an intergovernmental transfer in an appropriate amount to the trust fund.

Section 2RRR. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Department of Mental Retardation Trust Fund, in this section called the trust fund, administered by the secretary of health and human services. There shall be credited to the trust fund: (a) any receipts from the assessment collected under section 27 of chapter 118G, including transfers by the department of mental retardation of amounts sufficient to pay the assessment for public facilities, (b) any federal financial participation received by the commonwealth as a result of expenditures funded by such assessments, and (c) any interest thereon. The secretary may authorize expenditures of amounts from such trust fund without further appropriation. The comptroller shall transfer to the trust fund no later than the first business day of each quarter, the amounts indicated by the department of mental retardation to provide the appropriate payment adjustments for operating the intermediate care facilities for the mentally retarded and the community residences serving individuals with mental retardation. The comptroller shall establish procedures necessary to effectuate this section, including procedures for the proper transfer, accounting, and expenditures of funds. The comptroller may make payments in anticipation of receipts and shall establish procedures for reconciling overpayments and underpayments from the trust fund. The secretary shall report semi-annually to the house and senate committees on ways and means on the revenue and expenditure activity within the trust fund.

SECTION 9. Section 1 of chapter 32 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "Authority", in line 211, the

first time it appears, the following words:— , commonwealth health insurance connector.

SECTION 10. Section 1 of chapter 62 of the General Laws is hereby amended by striking out the definition "Code", as amended by section 3 of chapter 163 of the acts of 2005, and inserting in place thereof the following definition:—

(c) "Code", the Internal Revenue Code of the United States, as amended on January 1, 2005 and in effect for the taxable year; but Code shall mean the Code as amended and in effect for the taxable year for sections 62(a)(1), 72, 223, 274(m), 274(n), 401 through 420, inclusive, 457, 529, 530, 3401 and 3405 but excluding sections 402A and 408(q).

SECTION 11. Chapter 111 of the General Laws is hereby amended by inserting after section 24J the following section:—

Section 24K. There is hereby established the pediatric palliative care program. Said program shall be administered by the department, subject to appropriation, under this section and regulations promulgated hereunder. The program shall assist eligible children with a life-limiting illness and their families or guardians with services designed to achieve an improved quality of life and to meet the physical, emotional and spiritual needs experienced during the course of illness, death and bereavement.

Children less than 19 years of age shall be eligible for said program if they meet the requirements established by the department, which shall include:—

(a) a diagnosis of a life-limiting illness, including but not limited to, cancer, AIDS, congenital anomalies and other advanced illnesses; provided however, no requirement regarding life expectancy shall be imposed; and

(b) a requirement that the eligible child not be covered by a third-party payer for the services provided by said program.

Services provided by the program shall be determined by the department and shall include, but not be limited to, consultations for pain and symptom management, case management and assessment, social services, counseling, bereavement services, volunteer support services, and respite services, provided by professional or volunteer staff under professional supervision. Services shall be provided by hospice programs licensed under section 57D who meet such other criteria as the department may establish by regulation, including demonstrated expertise in pediatric palliative care. The department may by regulation establish limits on services provided by said program. The program established by this section shall not give rise to enforceable legal rights in any party or an enforceable entitlement to the services described in this section and nothing stated in this section shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement.

SECTION 12. The General Laws are hereby amended by inserting after chapter 111L the following chapter:—

CHAPTER 111M.

INDIVIDUAL HEALTH COVERAGE

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

"Creditable coverage", coverage of an individual under any of the following health plans or as a named beneficiary receiving coverage on another's plan with no lapse of coverage for more than 63 days: (a) an individual or group health plan which meets the definition of "minimum creditable coverage" as established by the board of the connector; (b) a health plan, including, but not limited to, a health plan issued, renewed or delivered within or without the commonwealth to an individual who is enrolled in a qualifying student health insurance program under section 18 of chapter 15A or a qualifying student health program of another state; (c) Part A or Part B of Title XVIII of the Social Security Act; (d) Title XIX of the Social Security Act, other than coverage consisting solely of benefits under section 1928; (e) 10 U.S.C. 55; (f) a medical care program of the Indian Health Service or of a tribal organization; (g) a state health benefits risk pool; (h) a health plan offered under 5 U.S.C. 89; (i) a public health plan as defined in federal regulations authorized by the Public Health Service Act, section 2701(c)(1)(I), as amended by Public Law 104-191; (j) a health benefit plan under the Peace Corps Act, 22 U.S.C. 2504(e); (k) coverage for young adults under section 10 of chapter 176J; (l) any other qualifying coverage required by the Health Insurance Portability and Accountability Act of 1996, as amended, or by regulations promulgated under that act, provided that no plan issued as a supplemental health insurance policy, including but not limited to, accident only, credit only, limited scope vision or dental benefits if offered separately; hospital indemnity insurance policies if offered as independent, non-coordinated benefits which for the purposes of this chapter shall mean policies issued under chapter 175 which provide a benefit not to exceed $500 per day, as adjusted on an annual basis by the amount of increase in the average weekly wages in the commonwealth as defined in section 1 of chapter 152, to be paid to an insured or a dependent, including the spouse of an insured, on the basis of a hospitalization of the insured or a dependent; disability income insurance; coverage issued as a supplement to liability insurance; specified disease insurance that is purchased as a supplement and not as a substitute for a health plan and meets any requirements the commissioner by regulation may set; insurance arising out of a workers compensation law or similar law; automobile medical payment insurance; insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in a liability insurance policy or equivalent self insurance; long-term care if offered separately; coverage supplemental to the coverage provided under 10 U.S.C. 55 if offered as a separate insurance policy; or any policy subject to chapter 176K or any similar policies issued on a group basis, Medicare Advantage plans or Medicare Prescription drug plans shall qualify as creditable coverage.

"Resident", a person who has:—

(1) obtained an exemption under clause Seventeenth, Seventeenth C, Seventeenth C½, Seventeenth D, Eighteenth, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Thirty-seventh, Thirty-seventh A, Forty-first, Forty-first A, Forty-first B, Forty- first C, Forty-second or Forty-third of section 5 of chapter 59;

(2) obtained an exemption under section 5C of said chapter 59;

(3) filed a Massachusetts resident income tax return under chapter 62;

(4) obtained a rental deduction under subparagraph (9) of paragraph (a) of Part B of section 3 of chapter 62;

(5) declared in a home mortgage settlement document that the mortgaged property located in the commonwealth would be occupied as his principal residence;

(6) obtained homeowner's liability insurance coverage on property that was declared to be occupied as a principal residence;

(7) filed a certificate of residency and identified his place of residence in a city or town in the commonwealth in order to comply with a residency ordinance as a prerequisite for employment with a governmental entity;

(8) paid on his own behalf or on behalf of a child or dependent of whom the person has custody, resident in-state tuition rates to attend a state-sponsored college, community college or university;

(9) applied for and received public assistance from the commonwealth for himself or his child or dependent of whom he has custody;

(10) has a child or dependent, of whom he has custody, who is enrolled in a public school in a city or town in the commonwealth, unless the cost of such education is paid for by him, such child or dependent, or by another education jurisdiction;

(11) is registered to vote in the commonwealth;

(12) obtained any benefit, exemption, deduction, entitlement, license, permit or privilege by claiming principal residence in the commonwealth; or

(13) is a resident under any other written criteria under which the commissioner of revenue may determine residency in the commonwealth.

Section 2. (a) As of July 1, 2007, the following individuals age 18 and over shall obtain and maintain creditable coverage so long as it is deemed affordable under the schedule set by the board of the connector, established by chapter 176Q: (1) residents of the commonwealth; or (2) individuals who become residents of the commonwealth within 63 days, in the aggregate. Residents who within 63 days have terminated any prior creditable coverage, shall obtain and maintain creditable coverage within 63 days of such termination.

(b) Every person who files an individual return as a resident of the commonwealth, either separately or jointly with a spouse, shall indicate on the return, in a manner prescribed by the commissioner of revenue, whether such person, as of the last day of the taxable year for which the return is filed, (i) had creditable coverage in force as required under paragraph (a) whether covered as an individual or as a named beneficiary of a policy covering multiple individuals, (ii) claims an exemption under section 3, or (iii) had a certificate issued under section 3 of chapter 176Q. If the person does not so indicate, or indicates that he did not have such coverage in force, then the tax shall be computed on the return without benefit of the personal exemption set forth in paragraph (b) of Part B of section 3 of chapter 62, or, in the case of a person who files jointly with a spouse, without benefit of one-half of the personal exemption set forth in such paragraph. If the person indicates that he had such coverage

in force but the commissioner determines, based on the information available to him, that such requirement of paragraph (a) was not met, then the commissioner shall compute the tax for the taxable year without benefit of the personal exemption set forth in paragraph (b) of Part B of section 3 of chapter 62, or, in the case of a person who files jointly with a spouse, without benefit of one-half of the personal exemption set forth in such paragraph, first giving notice to such person of his intent to do so and an opportunity for a hearing, under rules prescribed by the commissioner. The commonwealth shall have all enforcement and collection procedures available under chapter 62C to collect any penalties assessed under this section.

(c) The commissioner shall deposit all penalties collected into the Commonwealth Care Trust Fund, established by section 2OOO of chapter 29.

Section 3. An individual shall be exempt from section 2 if he files a sworn affidavit with his income tax return stating that he did not have creditable coverage and that his sincerely held religious beliefs are the basis of his refusal to obtain and maintain creditable coverage during the 12 months of the taxable year for which the return was filed. Any individual who claimed an exemption but received medical health care during the taxable year for which the return is filed shall be liable for providing or arranging for full payment for the medical health care and be subject to the penalties in subsection (b) of section 2.

Section 4. An individual subject to section 2, who disputes the determination of applicability or affordability, as enforced by the department of revenue, may seek a review of this determination through an appeal established by the board of the commonwealth health insurance connector, under chapter 176Q; provided, however, that no additional penalties shall be enforced against an individual seeking review until the review is complete and any subsequent appeals are exhausted.

Section 5. The commissioner of revenue, in consultation with the board of the commonwealth health insurance connector, established by chapter 176Q, shall promulgate such rules and regulations, as necessary, to carry out this chapter.

SECTION 13. Section 2 of said chapter 111M, inserted by section 12 of this act, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:—

(b) Every person who files an individual income tax return as a resident of the commonwealth, either separately or jointly with a spouse, shall indicate on the return, in a manner prescribed by the commissioner of revenue, whether such person (i) had creditable coverage in force for each of the 12 months of the taxable year for which the return is filed as required under paragraph (a) whether covered as an individual or as a named beneficiary of a policy covering multiple individuals, (ii) claims an exemption under section 3, or (iii) had a certificate issued under section 3 of chapter 176Q. If the person fails to indicate or indicates that he did not have such coverage in force, then a penalty shall be assessed on the return. If the person indicates that he had such coverage in force but the commissioner determines, based on the information available to him, that such requirement of paragraph

(a) was not met, then the commissioner shall assess the penalty. If in any taxable year, in whole or in part, a taxpayer does not comply with the requirement of paragraph (a), the commissioner shall retain any amount overpaid by the taxpayer for purposes of making payments described in paragraph (c); provided, however, that the amount retained shall not exceed 50 per cent of the minimum insurance premium for creditable coverage for which the individual would have qualified during the previous year. The penalty shall be assessed for each of the months the individual did not meet the requirement of paragraph (a); provided, that any lapse in coverage of 63 days or less shall not be counted in calculating the penalty; and, provided further, that nothing in this paragraph shall be considered to authorize the commissioner to retain any amount for such purposes that otherwise would be paid to a claimant agency or agencies as debts described in clauses (i) to (vii), inclusive, of section 13 of chapter 62D. If the amount retained is insufficient to meet the penalty assessed, the commissioner shall notify the taxpayer of the balance due on the penalty and related interest. The commonwealth shall have all enforcement and collection procedures available under chapter 62C to collect any penalties assessed under this section.

SECTION 14. Section 6 of chapter 118E of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:—

The office of Medicaid shall make a report to the committee on health care financing and to house and senate committees on ways and means no later than October 1 of each year on the previous state fiscal year's activities of the medical care advisory committee. The report shall include, but not be limited to, the names and titles of committee members, dates of committee meetings, agendas and minutes or notes from such meetings, and any correspondence, memorandum, recommendations or other product of the committee's work.

SECTION 15. Subsection (2) of section 9A of said chapter 118E of the General Laws, as so appearing, is hereby amended by striking out clause (c) and inserting in place thereof the following clause:—

(c) children and adolescents, from birth to 18 years, inclusive, whose financial eligibility as determined by the division exceeds 133 per cent but is not more than 300 per cent of the federal poverty level, including such children and adolescents made eligible for medical benefits under this chapter by Title XXI of the Social Security Act.

SECTION 16. Said section 9A of said chapter 118E, as so appearing, is hereby further amended by inserting after the word "eligibility", in line 112, the following words:— ; provided, however, that the division shall not establish disability criteria for applicants or recipients which are more restrictive than the criteria authorized by Title XVI of the Social Security Act, 42 U.S.C. 1381 et seq.

SECTION 17. Said section 9A of said chapter 118E, as so appearing, is hereby further amended by striking out, in line 115, the figure "133" and inserting in place thereof the following figure:— 200.

SECTION 18. Said section 9A of said chapter 118E, as so appearing, is hereby further amended by adding the following subsection:—

(15) The office of Medicaid shall report monthly to the health care access bureau, established by section 7A of chapter 26, a listing of all individuals for whom creditable coverage is provided as of the first day of the month.

SECTION 19. Section 9C of said chapter 118E is hereby amended by striking out the definition "Eligible employee" and inserting in place thereof the following definition:—

"Eligible employee", an employee: (i) who is employed by an eligible employer; (ii) who resides in the commonwealth; (iii) who has not attained age 65; (iv) whose employer or family member's employer has not in the last 6 months provided insurance coverage for which the individual is eligible; and (v) who meets the financial and other eligibility standards set forth in regulations promulgated by the division, if the gross family income standard does not exceed 300 per cent of the federal poverty level; provided further that clause (iv) shall not apply to employees participating in the program established under this chapter as of June 30, 2006.

SECTION 20. Section 9C of said chapter 118E, as so appearing, is hereby amended by inserting after the word "employees", in line 56, the following words:— ; and, provided further, that the amount of the subsidy shall not be greater than that of the subsidy the employee would have received if enrolled in the subsidized insurance program under chapter 118H.

SECTION 21. Subsection (2) of said section 9C of said chapter 118E, as so appearing, is hereby amended by striking out paragraph (B) and inserting in place thereof the following paragraph:—

(B) a subsidy program to assist the self-employed single individual and the self-employed husband and wife with reducing the cost of premiums or other costs of purchasing qualified medical insurance; provided, however, that the amount of said subsidies may vary with the income or insurance costs of said persons and their families under 1 or more sliding fee schedules set forth in regulations promulgated by the division and may be paid directly to or on behalf of said persons; and provided further, that the amount of the subsidy shall not be greater than that of the subsidy the employee would have received if enrolled in the subsidized insurance program under chapter 118H.

SECTION 22. Paragraph (C) of said subsection (2) of said section 9C of said chapter 118E, as so appearing, is hereby amended by adding the following sentence:— No payments authorized under this paragraph shall be made to a self-employed individual or a self-employed husband and wife.

SECTION 23. Said section 9C of said chapter 118E, as so appearing, is hereby further amended by striking out subsection (5).

SECTION 24. The fourth paragraph of section 12 of said chapter 118E, as so appearing, is hereby amended by adding the following sentence:— Rules and regulations which restrict eligibility or covered services require a public hearing under section 2 of chapter 30A.

SECTION 25. Said chapter 118E is hereby further amended by inserting after section 13A the following section:—

Section 13B. Hospital rate increases shall be made contingent upon hospital adherence to quality standards and achievement of performance benchmarks, including the reduction of racial and ethnic disparities in the provision of health care. Such benchmarks shall be developed or adopted by the executive office of health and human services so as to advance a common national framework for quality measurement and reporting, drawing on measures that are approved by the National Quality Forum and adopted by the Hospitals Quality Alliance and other national groups concerned with quality, in addition to the Boston Public Health Commission Disparities Project Hospital Working Group Report Guidelines. The office of Medicaid shall consult with the Massachusetts health care quality and cost council, established under section 16K of chapter 6A and the MassHealth payment policy advisory board established under section 16M of said chapter 6A, during the process of developing these quality standards and performance benchmarks.

SECTION 26. Section 16C of said chapter 118E, as so appearing, is hereby amended by striking out, in lines 4 and 20, the figure "200" and inserting in place thereof, in each instance, the following figure:— 300.

SECTION 27. Section 16D of said chapter 118E, as so appearing, is hereby amended by adding the following subsection:—

(7) Notwithstanding subsection (3), a person who is not a citizen of the United States but who is either a qualified alien within the meaning of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 or is otherwise permanently residing in the United States under color of law shall be eligible to receive benefits under MassHealth Essential if such individual meets the categorical and financial eligibility requirements under MassHealth; provided further that such individual is either age 65 or older, or between age 19 and 64, inclusive, and disabled. Such individual shall not be subject to sponsor income deeming or related restrictions.

SECTION 28. The seventh paragraph of section 23 of said chapter 118E, as so appearing, is hereby amended by striking out clause (2) and inserting in place thereof the following clause:—

(2) persons for whom hospitals and community health centers claim reimbursement payments from the Health Safety Net Fund, established by section 57 of chapter 118E.

SECTION 29. Said chapter 118E is hereby further amended by adding the following 2 sections:—

Section 53. The division shall include within its covered services for adults all federally optional services that were included in its state plan or demonstration program in effect on January 1, 2002. Covered services for adults in the MassHealth Essential program shall include dental services to the same extent as such services were covered for adults in the MassHealth Basic program as of January 1, 2002.

Section 54. The executive office of health and human services shall implement, in

cooperation with the department of public health, a wellness program for MassHealth enrollees to encourage activities that lead to desired health outcomes, including smoking cessation, diabetes screening for early detection, teen pregnancy prevention, cancer screening for early detection and stroke education for enrolled individuals. To the extent enrollees comply with the goals of the wellness program, the executive office shall reduce MassHealth premiums and/or copayments proportionally. The executive office shall report annually on the number of enrollees who meet at least 1 wellness goal, the premiums collected from the enrollees, and the reduction of premiums due to enrollees meeting wellness goals to the joint committee on health care financing and the house and senate committees on ways and means.

SECTION 30. Said chapter 118E is hereby further amended by adding the following 6 sections:—

Section 55. As used in this section and sections 56 to 60, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

"Acute hospital", the teaching hospital of the University of Massachusetts Medical School and any hospital licensed under section 51 of chapter 111 and which contains a majority of medical-surgical, pediatric, obstetric and maternity beds, as defined by the department of public health.

"Allowable reimbursement", payment to acute hospitals and community health centers for health services provided to uninsured patients of the commonwealth under section 60 and any further regulations promulgated by the office.

"Ambulatory surgical center", a distinct entity that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization and meets the requirements of the federal Health Care Financing Administration for participation in the Medicare program.

"Ambulatory surgical center services", services described for purposes of the Medicare program under 42 U.S.C. 1395k(a)(2)(F)(I). These services include facility services only and do not include surgical procedures.

"Bad debt", an account receivable based on services furnished to a patient which: (i) is regarded as uncollectible, following reasonable collection efforts consistent with regulations of the office, which regulations shall allow third party payers to negotiate with hospitals to collect the bad debts of its enrollees; (ii) is charged as a credit loss; (iii) is not the obligation of a governmental unit or the federal government or any agency thereof; and (iv) is not a reimbursable health care service.

"Community health center", a health center operating in conformance with the requirements of Section 330 of United States Public Law 95-626, including all community health centers which file cost reports as requested by the division of health care finance and policy.

"Critical access services", those health services which are generally provided only by acute hospitals, as further defined in regulations promulgated by the division.

"Director", the director of the health safety net office.

"DRG", a patient classification scheme known as diagnosis related grouping, which provides a means of relating the type of patients a hospital treats, such as its case mix, to the cost incurred by the hospital.

"Emergency bad debt", bad debt resulting from emergency services provided by an acute hospital to an uninsured or underinsured patient or other individual who has an emergency medical condition that is regarded as uncollectible, following reasonable collection efforts consistent with regulations of the office.

"Emergency medical condition", a medical condition, whether physical or mental, manifesting itself by symptoms of sufficient severity, including severe pain, that the absence of prompt medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine to result in placing the health of the person or another person in serious jeopardy, serious impairment to body function or serious dysfunction of any body organ or part or, with respect to a pregnant woman, as further defined in section 1867(e)(1)(B) of the Social Security Act, 42 U.S.C. 1295dd(e)(1)(B).

"Emergency services", medically necessary health care services provided to an individual with an emergency medical condition.

"Financial requirements", a hospital's requirement for revenue which shall include, but not be limited to, reasonable operating, capital and working capital costs, and the reasonable costs associated with changes in medical practice and technology.

"Fund", the Health Safety Net Trust Fund, established by section 57 of chapter 118E.

"Fund fiscal year", the 12-month period starting in October and ending in September.

"Gross patient service revenue", the total dollar amount of a hospital's charges for services rendered in a fiscal year.

"Health services", medically necessary inpatient and outpatient services as mandated under Title XIX of the Federal Social Security Act. Health services shall not include: (1) nonmedical services, such as social, educational and vocational services; (2) cosmetic surgery; (3) canceled or missed appointments; (4) telephone conversations and consultations; (5) court testimony; (6) research or the provision of experimental or unproven procedures including, but not limited to, treatment related to sex-reassignment surgery and pre-surgery hormone therapy; and (7) the provision of whole blood, but the administrative and processing costs associated with the provision of blood and its derivatives shall be payable.

"Office", the health safety net office, established by section 56.

"Payments subject to surcharge", all amounts paid, directly or indirectly, by surcharge payors to acute hospitals for health services and ambulatory surgical centers for ambulatory surgical center services; provided, however, that "payments subject to surcharge" shall not include: (i) payments, settlements and judgments arising out of third party liability claims for bodily injury which are paid under the terms of property or casualty insurance policies; (ii) payments made on behalf of Medicaid recipients, Medicare beneficiaries or persons enrolled in policies issued under chapter 176K or similar policies issued on a group basis; and provided further, that "payments subject to surcharge" may exclude amounts established by

regulations promulgated by the division for which the costs and efficiency of billing a surcharge payor or enforcing collection of the surcharge from a surcharge payor would not be cost effective.

"Pediatric hospital", an acute care hospital which limits services primarily to children and which qualifies as exempt from the Medicare Prospective Payment system regulations.

"Pediatric specialty unit", a pediatric unit of an acute care hospital in which the ratio of licensed pediatric beds to total licensed hospital beds as of July 1, 1994 exceeded 0.20. In calculating that ratio, licensed pediatric beds shall include the total of all pediatric service beds, and the total of all licensed hospital beds shall include the total of all licensed acute care hospital beds, consistent with Medicare's acute care hospital reimbursement methodology as put forth in the Provider Reimbursement Manual Part 1, Section 2405.3G.

"Private sector charges", gross patient service revenue attributable to all patients less gross patient service revenue attributable to Titles XVIII and XIX, other public-aided patients, reimbursable health services and bad debt.

"Reimbursable health services", health services provided to uninsured and underinsured patients who are determined to be financially unable to pay for their care, in whole or part, under applicable regulations of the office; provided that the health services are emergency, urgent and critical access services provided by acute hospitals or services provided by community health centers; and provided further, that such services shall not be eligible for reimbursement by any other public or private third-party payer.

"Resident", a person living in the commonwealth, as defined by the office by regulation; provided, however, that such regulation shall not define as a resident a person who moved into the commonwealth for the sole purpose of securing health insurance under this chapter. Confinement of a person in a nursing home, hospital or other medical institution shall not in and of itself, suffice to qualify such person as a resident.

"Surcharge payor", an individual or entity that pays for or arranges for the purchase of health care services provided by acute hospitals and ambulatory surgical center services provided by ambulatory surgical centers, as defined in this section; provided, however, that the term "surcharge payor" shall not include Title XVIII and Title XIX programs and their beneficiaries or recipients, other governmental programs of public assistance and their beneficiaries or recipients and the workers' compensation program established by chapter 152.

"Underinsured patient", a patient whose health insurance plan or self-insurance health plan does not pay, in whole or in part, for health services that are eligible for reimbursement from the health safety net trust fund, provided that such patient meets income eligibility standards set by the office.

"Uninsured patient", a patient who is a resident of the commonwealth, who is not covered by a health insurance plan or a self-insurance health plan and who is not eligible for a medical assistance program.

Section 56. (a) There is hereby established a health safety net office within the office of Medicaid. The director of Medicaid shall, in consultation with the secretary of health and

human services, appoint the director of the health safety net office. The director shall have such educational qualifications and administrative and other experience as the commissioner and secretary determine to be necessary for the performance of the duties of director including, but not limited to, experience in the field of health care financial administration.

(b) The office shall have the following powers and duties:—

(1) to administer the Health Safety Net Trust Fund, established by section 57 of chapter 118E, and to require payments to the fund consistent with acute hospitals' and surcharge payors' liability to the fund, as determined under sections 58 and 59, and any further regulations promulgated by the office;

(2) to set, after consultation with the division of health care finance and policy established by section 2 of chapter 118G, reimbursement rates for payments from the fund to acute hospitals and community health centers for reimbursable health services provided to uninsured and underinsured patients and to disburse monies from the fund consistent with such rates; provided that the office shall implement a fee-for-service reimbursement system for acute hospitals;

(3) to promulgate regulations further defining: (a) eligibility criteria for reimbursable health services; (b) the scope of health services that are eligible for reimbursement by the Health Safety Net Trust Fund; (c) standards for medical hardship; and (d) standards for reasonable efforts to collect payments for the costs of emergency care. The office shall implement procedures for verification of eligibility using the eligibility system of the office of Medicaid and other appropriate sources to determine the eligibility of uninsured and underinsured patients for reimbursable health services and shall establish other procedures to ensure that payments from the fund are made for health services for which there is no other public or private third party payer, including disallowance of payments to acute hospitals and community health centers for free care provided to individuals if reimbursement is available from other public or private sources; and

(4) to develop programs and guidelines to encourage maximum enrollment of uninsured individuals who receive health services reimbursed by the fund into health care plans and programs of health insurance offered by public and private sources and to promote the delivery of care in the most appropriate setting, provided that the programs and guidelines are developed in consultation with the commonwealth health insurance connector, established by chapter 176Q. Such programs shall not deny payments from the fund because services should have been provided in a more appropriate setting if the hospital was required to provided such services under 42 U.S.C. 1395 (dd);

(5) to conduct a utilization review program designed to monitor the appropriateness of services for which payments were made by the fund and to promote the delivery of care in the most appropriate setting; and to administer demonstration programs that reduce health safety net trust fund liability to acute hospitals, including a demonstration program to enable disease management for patients with chronic diseases, substance abuse and psychiatric disorders through enrollment of patients in community health centers and community mental health centers and through coordination between these centers and acute hospitals, provided,

that the office shall report the results of such reviews annually to the joint committee on health care financing and the house and senate committees on ways and means;

(6) to administer the Essential Community Provider Trust Fund, established by section 2PPP of chapter 29, and to make expenditures from that fund without further appropriation for the purpose of improving and enhancing the ability of acute hospitals and community health centers to serve populations in need more efficiently and effectively, including, but not limited to, the ability to provide community-based care, clinical support, care coordination services, disease management services, primary care services, and pharmacy management services through a grant program. The office shall consider applications from acute hospitals and community health centers in awarding the grants. The criteria for selection shall include, but not be limited to, the following criteria:—

(i) the financial performance of the provider as determined, in the case of applications from acute hospitals, quarterly by the division of health care finance and policy and by consulting other appropriate measurements of financial performance;

(ii) the percentage of patients with mental or substance abuse disorders served by a provider;

(iii) the numbers of patients served by a provider who are chronically ill, elderly, or disabled;

(iv) the payer mix of the provider, with preference given to acute hospitals where a minimum of 63 per cent of the acute hospital's gross patient service revenue is attributable to Title XVIII and Title XIX of the federal Social Security Act or other governmental payors, including reimbursements from the Health Safety Net Fund;

(v) the percentage of total annual operating revenue that funding received in fiscal years 2005 and 2006 from the Distressed Provider Expendable Trust Fund comprised for the provider; and

(vi) the cultural and linguistic challenges presented by the populations served by the provider.

(7) to enter into agreements or transactions with any federal, state or municipal agency or other public institution or with a private individual, partnership, firm, corporation, association or other entity, and to make contracts and execute all instruments necessary or convenient for the carrying on of its business;

(8) to secure payment, without imposing undue hardship upon any individual, for unpaid bills owed to acute hospitals by individuals for health services that are ineligible for reimbursement from the Health Safety Net Trust Fund which have been accounted for as bad debt by the hospital and which are voluntarily referred by a hospital to the department for collection; provided, however that such unpaid charges shall be considered debts owed to the commonwealth and all payments received shall be credited to the fund; and provided, further, that all actions to secure such payments shall be conducted in compliance with a protocol previously submitted by the office to the joint committee on health care financing;

(9) to require hospitals and community health centers to submit to the office such data as it reasonably deems necessary; and

(10) to make, amend and repeal rules and regulations to effectuate the efficient use of monies from the Health Safety Net Trust Fund; provided, however, that the regulations shall be adopted only after notice and hearing and only upon consultation with the board of the commonwealth health insurance connector, the secretary of health and human services, the director of the office of Medicaid and representatives of the Massachusetts Hospital Association, the Massachusetts Council of Community Hospitals, the Alliance of Massachusetts Safety Net Hospitals and the Massachusetts League of Community Health Centers.

(11) to provide an annual report at the close of each fund fiscal year, in consultation with the office of Medicaid, to the joint committee on health care financing and the house and senate committees on ways and means, evaluating the processes used to determine eligibility for reimbursable health services, including the Virtual Gateway, so-called. The report shall include (i) an analysis of the effectiveness of these processes in enforcing eligibility requirements for publicly funded health programs and in enrolling uninsured residents into programs of health insurance offered by public and private sources; (ii) an assessment of the impact of these processes on the level of reimbursable health services by providers; and (iii) recommendations for ongoing improvements that will enhance the performance of eligibility determination systems and reduce hospital administrative costs.

Section 57. (a) There is hereby established a Health Safety Net Trust Fund, in this section and sections 58 to 60, inclusive, called the fund, which shall be administered by the health safety net office. Expenditures from the fund shall not be subject to appropriation unless otherwise required by law. The purpose of the fund shall be to maintain a health care safety net by reimbursing hospitals and community health centers for a portion of the cost of reimbursable health services provided to low-income, uninsured or underinsured residents of the commonwealth. The office shall administer the fund using such methods, policies, procedures, standards and criteria that it deems necessary for the proper and efficient operation of the fund and programs funded thereby in a manner designed to distribute the fund resources as equitably as possible.

(b) The fund shall consist of all amounts paid by acute hospitals and surcharge payors under sections 58 and 59; all appropriations for the purpose of payments to acute hospitals or community health centers for health services provided to uninsured and underinsured residents; any transfers from the Commonwealth Care Trust Fund, established by section 2OOO of chapter 29; and all property and securities acquired by and through the use of monies belonging to the fund and all interest thereon. Amounts placed in the fund shall, except for amounts transferred to the Commonwealth Care Trust Fund, be expended by the office for payments to hospitals and community health centers for reimbursable health services provided to uninsured and underinsured residents of the commonwealth, consistent with the requirements of this section and section 60 and the regulations promulgated by the office; provided, that $6,000,000 shall be expended annually from the fund for demonstration projects that use case management and other methods to reduce the liability of the fund to acute hospitals. Any annual balance remaining in the fund after such payments have been

made shall be transferred to the Commonwealth Care Trust Fund. All interest earned on the amounts in the fund shall be deposited or retained in the fund. The director shall from time to time requisition from the fund such amounts as he deems necessary to meet the current obligations of the office for the purposes of the fund and estimated obligations for a reasonable future period.

Section 58. (a) An acute hospital's liability to the fund shall equal the product of (1) the ratio of its private sector charges to all acute hospitals' private sector charges; and (2) $160,000,000. Before October 1 of each year, the office, in consultation with the division of health care finance and policy, shall establish each acute hospital's liability to the fund using the best data available, as determined by the division, and shall update each acute hospital's liability to the fund as updated information becomes available. The office shall specify by regulation an appropriate mechanism for interim determination and payment of an acute hospital's liability to the fund.

(b) An acute hospital's liability to the fund shall in the case of a transfer of ownership be assumed by the successor in interest to the acute hospital.

(c) The office shall establish by regulation an appropriate mechanism for enforcing an acute hospital's liability to the fund in the event that an acute hospital does not make a scheduled payment to the fund. These enforcement mechanisms may include (1) notification to the office of Medicaid requiring an offset of payments on the Title XIX claims of any such acute hospital or any health care provider under common ownership with the acute care hospital or any successor in interest to the acute hospital, and (2) the withholding by the office of Medicaid of the amount of payment owed to the fund, including any interest and late fees, and the transfer of the withheld funds into the fund. If the office of Medicaid offsets claims payments as ordered by the office, it shall not be considered to be in breach of contract or any other obligation for the payment of noncontracted services, and providers whose payment is offset under order of the division shall serve all Title XIX recipients under the contract then in effect with the office of Medicaid, or, in the case of a noncontracting or disproportionate share hospital, under its obligation for providing services to Title XIX recipients under this chapter. In no event shall the office direct the office of Medicaid to offset claims unless an acute hospital has maintained an outstanding obligation to the health safety net fund for a period longer than 45 days and has received proper notice that the division intends to initiate enforcement actions under the regulations of the office.

Section 59. (a) Acute hospitals and ambulatory surgical centers shall assess a surcharge on all payments subject to surcharge as defined in section 1. The surcharge shall be distinct from any other amount paid by a surcharge payor for the services of an acute hospital or ambulatory surgical center. The surcharge amount shall equal the product of (i) the surcharge percentage and (ii) amounts paid for these services by a surcharge payor. The office shall calculate the surcharge percentage by dividing $160,000,000 by the projected annual aggregate payments subject to the surcharge. The office shall determine the surcharge percentage before the start of each fund fiscal year and may redetermine the surcharge percentage before April 1 of each fund fiscal year if the office projects that the initial surcharge

established the previous October will produce less than $150,000,000 or more than $170,000,000. Before each succeeding October 1, the office shall redetermine the surcharge percentage incorporating any adjustments from earlier years. In each determination or redetermination of the surcharge percentage, the office shall use the best data available as determined by the division and may consider the effect on projected surcharge payments of any modified or waived enforcement under subsection (e). The office shall incorporate all adjustments, including, but not limited to, updates or corrections or final settlement amounts, by prospective adjustment rather than by retrospective payments or assessments.

(b) Each acute hospital and ambulatory surgical center shall bill a surcharge payor an amount equal to the surcharge described in subsection (a) as a separate and identifiable amount distinct from any amount paid by a surcharge payor for acute hospital or ambulatory surgical center services. Each surcharge payor shall pay the surcharge amount to the office for deposit in the Health Safety Net Trust Fund on behalf of said acute hospital or ambulatory surgical center. Upon the written request of a surcharge payor, the office may implement another billing or collection method for the surcharge payor; provided, however, that the office has received all information that it requests which is necessary to implement such billing or collection method; and provided further, that the office shall specify by regulation the criteria for reviewing and approving such requests and the elements of such alternative method or methods.

(c) The office shall specify by regulation appropriate mechanisms that provide for determination and payment of a surcharge payor's liability, including requirements for data to be submitted by surcharge payors, acute hospitals and ambulatory surgical centers.

(d) A surcharge payor's liability to said Health Safety Net Trust Fund shall in the case of a transfer of ownership be assumed by the successor in interest to the surcharge payor.

(e) The office shall establish by regulation an appropriate mechanism for enforcing a surcharge payor's liability to said Health Safety Net Trust Fund in the event that a surcharge payor does not make a scheduled payment to said Health Safety Net Trust Fund; provided, however, that the office may, for the purpose of administrative simplicity, establish threshold liability amounts below which enforcement may be modified or waived. Such enforcement mechanism may include assessment of interest on the unpaid liability at a rate not to exceed an annual percentage rate of 18 per cent and late fees or penalties at a rate not to exceed 5 per cent per month. Such enforcement mechanism may also include notification to the division of medical assistance requiring an offset of payments on the claims of the surcharge payor, any entity under common ownership or any successor in interest to the surcharge payor, from the division of medical assistance in the amount of payment owed to the Health Safety Net Trust Fund including any interest and penalties, and to transfer the withheld funds into said fund. If the division of medical assistance offsets claims payments as ordered by the office, said division of medical assistance shall be deemed not to be in breach of contract or any other obligation for payment of noncontracted services, and a surcharge payor whose payment is offset under order of the division shall serve all Title XIX

recipients under the contract then in effect with the division of medical assistance. In no event shall the office direct the division of medical assistance to offset claims unless the surcharge payor has maintained an outstanding liability to the Health Safety Net Trust Fund for a period longer than 45 days and has received proper notice that said office intends to initiate enforcement actions under the regulations of the office.

(f) If a surcharge payor fails to file any data, statistics or schedules or other information required under this chapter or by any regulation promulgated by the office, the office shall provide written notice to the payor. If a surcharge payor fails to provide required information within 2 weeks after the receipt of written notice, or falsifies the same, he shall be subject to a civil penalty of not more than $5,000 for each day on which such violation occurs or continues, which penalty may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction. The attorney general shall bring any appropriate action, including injunctive relief, as may be necessary for the enforcement of this chapter.

Section 60. (a) Reimbursements from the fund to hospitals and community health centers for health services provided to uninsured individuals shall be made in the following manner, and shall be subject to further rules and regulations promulgated by the office.

(1) Reimbursements made to acute hospitals shall be based on actual claims for health services provided to uninsured and underinsured patients that are submitted to the office, and shall be made only after determination that the claim is eligible for reimbursement under this chapter and any additional regulations promulgated by the office. Reimbursements for health services provided to residents of other states and foreign countries shall be prohibited, and the office shall make payments to acute hospitals using fee-for-service rates calculated as provided in paragraphs (4) and (5).

(2) The office shall, in consultation with the office of Medicaid, develop and implement procedures to verify the eligibility of individuals for whom health services are billed to the fund and to ensure that other coverage options are used fully before services are billed to the fund, including procedures adopted under section 35. The office shall review all claims billed to the fund to determine whether the patient is eligible for medical assistance under this chapter and whether any third party is financially responsible for the costs of care provided to the patient. In making these determinations, the office shall verify the insurance status of each individual for whom a claim is made using all sources of data available to the office. The office shall refuse to allow payments or shall disallow payments to acute hospitals and community health centers for free care provided to individuals if reimbursement is available from other public or private sources, provided that payments shall not be denied from the fund because services should have been provided in a more appropriate setting if the hospital was required to provide these services under 42 U.S.C. 1395(dd).

(3) The office shall require acute hospitals and community health centers to screen each applicant for reimbursed care for other sources of coverage and for potential eligibility

for government programs, and to document the results of that screening. If an acute hospital or community health center determines that an applicant is potentially eligible for Medicaid or for the commonwealth care health insurance program, established by chapter 118H, or another assistance program, the acute hospital or community health center shall assist the applicant in applying for benefits under that program. The office shall audit the accounts of acute hospitals and community health centers to determine compliance with this section and shall deny payments from the fund for any acute hospital or community health center that fails to document compliance with this section.

(4) The office shall reimburse acute hospitals for health services provided to individuals based on the payment systems in effect for acute hospitals used by the United States Department of Health and Human Services Centers for Medicare & Medicaid Services to administer the Medicare Program under Title XVIII of the Social Security Act, including all of Medicare's adjustments for direct and indirect graduate medical education, disproportionate share, outliers, organ acquisition, bad debt, new technology and capital and the full amount of the annual increase in the Medicare hospital market basket index. The division shall, in consultation with the division of health care finance and policy and the Massachusetts Hospital Association, promulgate regulations necessary to modify these payment systems to account for:—

(i) the differences between the program administered by the office and the Title XVIII Medicare program, including the services and benefits covered;

(ii) grouper and DRG relative weights for purposes of calculating the payment rates to reimburse acute hospitals at rates no less than the rates they are reimbursed by Medicare;

(iii) the extent and duration of covered services;

(iv) the populations served;

(v) and any other adjustments to the payment methodology under this section as deemed necessary by the office, based upon circumstances of individual hospitals.

Following implementation of this section, the office shall ensure that the allowable reimbursement rates under this section for health services provided to uninsured individuals shall not thereafter be less than rates of payment for comparable services under the Medicare program, taking into account the adjustments required by this section.

(5) For the purposes of paying community health centers for health services provided to uninsured individuals under this section, the office shall pay community health centers a base rate that shall be no less than the then-current Medicare Federally Qualified Health Center rate as required under 42 U.S.C. 13951 (a)(3), and the office shall add payments for additional services not included in the base rate, including, but not limited to, EPSDT services, 340B pharmacy, urgent care, and emergency room diversion services.

(6) Reimbursements to acute hospitals and community health centers for bad debt shall be made upon submission of evidence, in a form to be determined by the office, that reasonable efforts to collect the debt have been made.

(b) By April 1 of the year preceding the start of the fund fiscal year, the office shall, after consultation with the division of health care finance and policy, and using the best data

available, provide an estimate of the projected total reimbursable health services provided by acute hospitals and community health centers and emergency bad debt costs, the total funding available, and any projected shortfall after adjusting for reimbursement payments to community health centers. In the event that a shortfall in revenue exists in any fund fiscal year to cover projected costs for reimbursement of health services, the office shall allocate that shortfall in a manner that reflects each hospital's proportional financial requirement for reimbursements from the fund, including, but not limited to, the establishment of a graduated reimbursement system and under any additional regulations promulgated by the office.

(c) The division shall enter into interagency agreements with the department of revenue to verify income data for patients whose health care services are reimbursed by the Health Safety Net Trust Fund and to recover payments made by the fund for services provided to individuals who are ineligible to receive reimbursable health services or on whose behalf the fund has paid for emergency bad debt. The division shall promulgate regulations requiring acute hospitals to submit data that will enable the department of revenue to pursue recoveries from individuals who are ineligible for reimbursed health services and on whose behalf the fund has made payments to acute hospitals for emergency bad debt. Any amounts recovered shall be deposited in the Health Safety Net Trust Fund, established by section 57 of chapter 118E.

(d) The office shall not at any time make payments from the fund for any period in excess of amounts that have been paid into or are available in the fund for that period, but the office may temporarily prorate payments from the fund for cash flow purposes.

SECTION 31. Section 1 of chapter 118G of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the definition of "Pool".

SECTION 32. Section 1 of said chapter 118G, as so appearing, is hereby further amended by inserting after the definition of "Non-acute hospital" the following definition:—

"Non-providing employer", an employer of a state-funded employee, as defined in this section; provided, however, that the term "non-providing employer" shall not include:—

(i) an employer that offers to contribute toward, or arrange for the purchase of health insurance, including coverage through the connector, under chapter 176Q for such employee;

(ii) an employer that is signatory to or obligated under a negotiated, bona fide collective bargaining agreement between such employer and bona fide employee representative which agreement governs the employment conditions of such person receiving free care;

(iii) an employer who participates in the Insurance Partnership Program; or

(iv) an employer that employs not more than 10. For the purposes of this definition, an employer shall not be considered to pay for or arrange for the purchase of health care services provided by acute hospitals and ambulatory surgical centers by making or arranging for any payments to the uncompensated care pool.

SECTION 33. Said section 1 of said chapter 118G, as so appearing, is hereby further amended by striking out the definition of "Payments subject to surcharge" and inserting in place thereof the following definition:—

"Payments from non-providing employers", all amounts paid to the Uncompensated Care Trust Fund or the General Fund by non-providing employers.

SECTION 34. Said section 1 of said chapter 118G, as so appearing, is hereby further amended by striking out the definition of "Private sector charges".

SECTION 35. Said section 1 of said chapter 118G is hereby further amended by inserting after the definition of "specialty hospital", as so appearing, the following definition:—

"State-funded employee", any employed person, or dependent of such person, who receives, on more than 3 occasions during any hospital fiscal year, health services paid for as free care; or any employed persons, or dependents of such persons, of a company that has 5 or more occurrences of health services paid for as free care by all employees in aggregate during any fiscal year. An occurrence shall include all healthcare related services incurred during a single visit to a health care professional.

SECTION 36. Said section 1 of said chapter 118G, as so appearing, is hereby further amended by striking out the definition of "Surcharge payor".

SECTION 37. Section 2 of said chapter 118G, as so appearing, is hereby amended by inserting after the word "services", in line 19, the following word:— and.

SECTION 38. Said section 2 of said chapter 118G, as so appearing, is hereby further amended by striking out clause (c) of the second paragraph.

SECTION 39. Section 3 of said chapter 118G, as so appearing, is hereby amended by striking out clause (g).

SECTION 40. Section 5 of said chapter 118G is hereby amended by striking out the first 2 sentences and inserting in place thereof the following 2 sentences:— Each acute hospital shall pay to the commonwealth an amount for the estimated expenses of the division and of the health safety net office, established by section 56 of chapter 118E. This amount shall be equal to the amount appropriated by the general court for the expenses of the division of health care finance and policy and of the health safety net office minus amounts collected from (1) filing fees, (2) fees and charges generated by the division's publication or dissemination of reports and information, (3) federal matching revenues received for these expenses or received retroactively for expenses of predecessor agencies.

SECTION 41. Section 6 of said chapter 118G, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:—

In addition, such uniform reporting shall provide the name and address and such other identifying information as may be needed relative to the employer of any patient for whom health care services were rendered under this chapter and for whom reimbursement from the uncompensated care pool has been requested.

SECTION 42. Said chapter 118G is hereby further amended by inserting after section 6A the following 2 sections:—

Section 6B. Notwithstanding any general or special law to the contrary, an applicant for uncompensated care pool assistance shall, if eligible, be enrolled in MassHealth under

section 9A, chapter 118E or in the Insurance Partnership Program, as provided in section 9C of said chapter 118E. An applicant deemed ineligible for either program and who is unable to make all or part of the payment for health services, shall provide the name and address of his employer, if any, and his name, address, social security number and date of birth. The director of labor, in collaboration with the division, shall collaborate with the division of insurance and the department of revenue to implement this section and sections 6C and 18 and section 41 of chapter 268.

Section 6C. The division shall promulgate a form labeled "Health Insurance Responsibility Disclosure" to be completed and signed, under oath, by every employer and employee doing business in the commonwealth. The form shall indicate whether the employer has offered to pay for or arrange for the purchase of health care insurance, whether the employee has accepted or declined such coverage and whether the employee has an alternative source of health insurance coverage. The form shall contain a statement that an employee who chooses to decline health insurance coverage offered by an employer shall be legally responsible for that employee's health care costs, if any, and may be subject to sanctions under chapter 111M. The division may make arrangements with other agencies of the commonwealth, including the department of revenue, to distribute and collect forms to all employers and employees in the commonwealth.

SECTION 43. Sections 18 and 18A of said chapter 118G are hereby repealed.

SECTION 44. Said chapter 118G is hereby further amended by inserting after section 18A the following section:—

Section 18B. (a) The division shall, upon verification of the provision of services and costs to a state-funded employee, assess a free rider surcharge on the non-providing employer under regulations promulgated by the division.

(b) The amount of the free rider surcharge on non-providing employers shall be determined by the division under regulations promulgated by the division, and assessed by the division not later than 3 months after the end of each hospital fiscal year, with payment by non-providing employers not later than 90 days after the assessment. The amount charged by the division shall be greater than 10 per cent but no greater than 100 per cent of the cost to the state of the services provided to the state-funded employee, considering all payments received by the state from other financing sources for free care; provided that the "cost to the state" for services provided to any state-funded employee may be determined by the division as a percentage of the state's share of aggregate costs for health services. The free rider surcharge shall only be triggered upon incurring $50,000 or more, in any hospital fiscal year, in free care services for any employer's employees, or dependents of such persons, in aggregate, regardless of how many state-funded employees are employed by that employer.

(c) The formula for assessing free rider surcharges on non-providing employers shall be set forth in regulations promulgated by the division that shall be based on factors including, but not limited to: (i) the number of incidents during the past year in which employees of the non-providing employer received services from the uncompensated care

pool, under chapter 118E; (ii) the number of persons employed by the non-providing employer; (iii) the proportion of employees for whom the non-providing employer provides health insurance.

(d) If a state-funded employee is employed by more than one non-providing employer at the time he or she receives services, the division shall assess a free rider surcharge on each said employer consistent with the formula established by the division under this section.

(e) The division shall specify by regulation appropriate mechanisms for implementing free rider surcharges on non-providing employers. Said regulations shall include, but not be limited to, the following provisions:—

(i) Appropriate mechanisms that provide for determination and payment of surcharge by a non-providing employer including requirements for data to be submitted by employers, employees, acute hospitals and ambulatory surgical centers, and other persons; and

(ii) Penalties for nonpayment or late payment by the non-providing employer, including assessment of interest on the unpaid liability at a rate not to exceed an annual percentage rate of 18 per cent and late fees or penalties at a rate not to exceed 5 per cent per month.

(f) All surcharge payments made under this Section shall be deposited into the Commonwealth Care Trust Fund, established by section 2OOO of chapter 29.

(g) A non-providing employer's liability to that fund shall in the case of a transfer of ownership be assumed by the successor in interest to the non-providing employer's.

(h) If a non-providing employer fails to file any data, statistics or schedules or other information required under this chapter or by any regulation promulgated by the division, the division shall provide written notice of the required information. If the employer fails to provide information within 2 weeks of receipt of said notice, or if it falsifies the same, it shall be subject to a civil penalty of not more than $5,000 for each week on which such violation occurs or continues, which penalty may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction.

(i) The attorney general shall bring any appropriate action, including injunctive relief, as may be necessary for the enforcement of this chapter.

(j) No employer shall discriminate against any employee on the basis of the employee's receipt of free care, the employee's reporting or disclosure of his employer's identity and other information about the employer, the employee's completion of a Health Insurance Responsibility Disclosure form, or any facts or circumstances relating to "free rider" surcharges assessed against the employer in relation to the employee. Violation of this subsection shall constitute a per se violation of chapter 93A.

(k) A hospital, surgical center, health center or other entity that provides uncompensated care pool services shall provide any uninsured patient with written notice of the criminal penalties for committing fraud in connection with the receipt of uncompensated care pool services, as provided in section 41 of chapter 268. The division shall promulgate a standard written notice form to be made available to health care providers in English and foreign languages. The form shall further include written notice of every employee's protec-

tion from employment discrimination under this section.

SECTION 45. The General Laws are hereby amended by inserting after chapter 118G the following chapter:—

CHAPTER 118H

COMMONWEALTH CARE HEALTH INSURANCE PROGRAM

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise have the following meanings:—

"Board", the board of the commonwealth health insurance connector, established by subsection (b) of section 2 of chapter 176Q.

"Connector", the commonwealth health insurance connector, established by subsection (a) of section 2 of chapter 176Q.

"Eligible health insurance plan", a health insurance plan that meets the criteria, established by the board, for receiving premium assistance payments; provided, that no eligible health insurance plan may require an annual deductible.

"Eligible individual", an individual, including a sole proprietor, who meets the eligibility requirements in section 3.

"Fund", the Commonwealth Care Trust Fund, established by section 2OOO of chapter 29.

"Premium contribution payment", a payment made by an enrollee in the program towards an eligible health insurance plan, under a fee schedule established by the board.

"Premium assistance payment", a payment of health insurance premiums made by the connector to an eligible health insurance plan on behalf of an enrollee in the program, under a schedule established by the board.

"Program", the commonwealth care health insurance program, established by section 2.

"Resident", a person living in the commonwealth, as defined by the office by regulation, including a qualified alien, as defined by section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, or a person who is not a citizen of the United States but who is otherwise permanently residing in the United States under color of law; provided, however, that the person has not moved into the commonwealth for the sole purpose of securing health insurance under this chapter; provided, further, that confinement of a person in a nursing home, hospital or other medical institution in the commonwealth shall not, in and of itself, suffice to qualify a person as a resident.

Section 2. For the purpose of reducing uninsurance in the commonwealth, there shall be a commonwealth care health insurance program within the commonwealth health insurance connector, established by chapter 176Q. The program shall be administered by the board of the connector, in consultation with the office of Medicaid and the health safety net office. The program shall provide subsidies to assist eligible individuals in purchasing health insurance, provided that subsidies shall only be paid on behalf of an eligible individual who

is enrolled in a health plan that has been procured by the commonwealth health insurance connector under said chapter 176Q, and shall be made under a sliding-scale premium contribution payment schedule for enrollees, as determined by the board of the connector. Eligibility for premium assistance payments under this section shall be determined in coordination with and using the procedures of the office of Medicaid. After consultation with the director of the office of Medicaid, representatives of any carrier eligible to receive premium subsidy payments under this chapter, representatives of hospitals that serve a high number of uninsured individuals, and representatives of low-income health care advocacy organizations, the board shall develop a plan for outreach and education that is designed to reach low-income uninsured residents and maximize their enrollment in the program.

Section 3. (a) An uninsured individual shall be eligible to participate in the program if:—

(1) an individual's or family's household income does not exceed 300 per cent of the federal poverty level;

(2) the individual has been a resident of the commonwealth for the previous 6 months;

(3) the individual is not eligible for any MassHealth program, for Medicare, or for the child health insurance program established by section 16C of chapter 118E;

(4) the individual's or family member's employer has not provided health insurance coverage in the last 6 months for which the individual is eligible and for which the employer covers at least 20 per cent of the annual premium cost of a family health insurance plan or at least 33 per cent of an individual health insurance plan; and

(5) the individual has not accepted a financial incentive from his employer to decline his employer's subsidized health insurance plan.

(b) The board may waive section 4, provided that the individual's employer complies with section 110 of chapter 175, section 8½ of chapter 176, section 3B of chapter 176B or section 7A of chapter 176G; provided, further, that the employer's health insurance premium contribution for the applying individual, which shall be the median health insurance premium contribution made by the employer to all of its full-time employees participating in the employer-sponsored health plan, must be paid to the connector. The connector shall use the employer's health insurance premium contribution payment for the individual to first offset the commonwealth's premium assistance payment for the individual with any residual amount offsetting the individual.

Section 4. All residents shall have the right to apply for the program established by this chapter, the right to receive written determination detailing denial of eligibility, and the right to appeal any eligibility decision, provided such appeal is conducted pursuant to the process established by the board of the commonwealth health insurance connector, established by chapter 176Q. Applicants for said program shall be eligible for subsequent appeals subject to chapter 30A. Notwithstanding any general or special law to the contrary, all eligible individuals on whose behalf premium assistance payments are made, including those enrolled in plans offered by Medicaid managed care organizations referenced in section

28 of chapter 47 of the acts of 1997 shall under this section be entitled to consumer protections as described in chapter 176O.

Section 5. Premium assistance payments shall be made under a schedule set annually by the board, in consultation with the office of Medicaid and the health safety net office; provided that this schedule shall be published on or before September 30, starting in 2006. Premium assistance payments shall not be subject to appropriation from the fund, established by section 2OOO of chapter 29, and shall be made directly by the connector to eligible health insurance plans, under chapter 176Q. If the director determines that amounts in the fund are insufficient to meet the projected costs of enrolling new eligible individuals, the director shall impose a cap on enrollment in the program.

Section 6. (a) There shall be established a program for any resident with a household income that does not exceed 100 percent of the federal poverty level, in which the board of the connector shall procure health insurance plans that include, but are not limited to: (1) inpatient services; (2) outpatient services and preventative care by participating providers; (3) prescription drugs as provided under the MassHealth formulary; (4) medically necessary inpatient and outpatient mental health services and substance abuse services; and (5) medically necessary dental services, including preventative and restorative procedures.

(b) Enrollees with a household income that does not exceed 100 percent of the federal poverty level shall only be responsible for a copayment toward the purchase of each pharmaceutical product and for use of emergency room services in acute care hospitals for nonemergency conditions equal to that required of enrollees in the MassHealth program, as described in clause (5) of section 25 of chapter 118E. The board may waive copayments upon a finding of substantial financial or medical hardship. No other premium, deductible, or other cost sharing shall apply to enrollees under this program.

SECTION 46. Chapter 149 of the General Laws is hereby amended by inserting after section 6D the following section:—

Section 6D½. No employee shall be penalized by an employer as a result of such employee's filing of an application to the uncompensated care pool or otherwise providing notice to the division of health care finance and policy or to a health care provider in regard to the need for health care services for that employee that results in the employer being required to reimburse the pool in whole or in part.

SECTION 47. Said chapter 149 is hereby further amended by inserting after section 187 the following section:—

Section 188. (a) As used in this section, the following words, unless the context clearly requires otherwise, shall have the following meanings:—

"Commissioner", the commissioner of health care finance and policy.

"Contributing employer", an employer that offers a group health plan, as defined in 26 U.S.C. 5000(b)(1), to which the employer makes a fair and reasonable premium contribution, as defined in regulation by the division of health care finance and policy.

"Department", the department of labor, established by chapter 23.

"Director", the director of the department of labor.

"Division", the division of health care finance and policy, established by chapter 118G.

"Employer", an employing unit as defined in section 1 of chapter 151A.

"Employee", any individual employed by an employer subject to this chapter for at least 1 month, provided that for the purpose of this section self-employed individuals shall not be considered employees.

(b) For the purpose of more equitably distributing the costs of health care provided to uninsured residents of the commonwealth, each employer that (i) employs 11 or more full-time equivalent employees in the commonwealth and (ii) is not a contributing employer shall pay a per-employee contribution at a time and in a manner prescribed by the director of the department of labor, in this section called the fair share employer contribution. Said contribution shall be pro-rated by a fraction which shall not exceed one, the numerator of which is the number of hours worked in a year by all of the employer's employees who worked for the employer for at least 1 month and the denominator of which is the product of the number of employees employed by an employer during that year for at least 1 month multiplied by 2,000 hours.

(c) The director shall, in consultation with the division of health care finance and policy, annually determine the fair share employer contribution rate based on the best available data and under the following provisions:—

(1) The per-user share of private sector liability shall be calculated annually by dividing the sum of hospital liability and third-party payor liability for uncompensated care, as defined by law, by the total number of individuals in the most recently completed fiscal year whose care was reimbursed in whole or in part by the uncompensated care pool, or any successor thereto.

(2) The total number of employees in the most recent fiscal year on whose behalf health care services were reimbursed in whole or in part by the uncompensated care pool, or any successor thereto, shall be calculated. In calculating this number, the division shall use all resources available to enable it to determine the employment status of individuals for whom reimbursements were made, including quarterly wage reports maintained by the department of revenue.

(3) The total number of employees as calculated in paragraph (2) shall be adjusted by multiplying that number by the percentage of employers in the commonwealth that are not contributing employers, as determined by the division.

(4) The total cost of liability associated with employees of non-contributing employers shall be determined by multiplying the number of employees, as calculated in paragraph (3) by the per-user share of private sector liability as calculated in paragraph (1).

(5) The fair share employer contribution shall be calculated by dividing the total cost of liability as calculated in paragraph (4) by the total number of employees of employers that are not contributing employers, as determined by the division.

(6) The fair share employer contribution, as determined in paragraph (5) shall be adjusted annually to reflect medical inflation, using an appropriate index as determined by

the division.

(7) The total dollar amount of health care services provided by physicians to non-elderly, uninsured residents of the commonwealth for which no reimbursement is made from the Health Safety Net Trust Fund shall be calculated using a survey of physicians or other data source that the division determines is most accurate.

(8) The per-employee cost of uncompensated physician care shall be calculated by dividing the dollar amount of such services, as calculated in paragraph (7) by the total number of employees of contributing employers in the commonwealth, as estimated by the division using the most accurate data source available, as determined by the division.

(9) The annual fair share employer contribution shall be calculated by adding the fair share employer contribution as calculated in paragraph (6) and the per-employee cost of unreimbursed physician care, as calculated in paragraph (8).

(10) Notwithstanding this section, the total annual fair share employer contribution shall not exceed $295 per employee; and provided further, that the director shall allow employers to make the annual fair share employer contribution either annually, or in equal amounts semi-annually or quarterly, at the employer's sole discretion.

(d) The director of labor shall determine and collect the contribution under subsections (b) and (c), and shall implement penalties for employers that fail to make contributions as required by this section, provided that in order to reduce the administrative costs of collection of contributions the director shall, to the extent possible, use any existing procedures that have been implemented by the department to make similar collections. All amounts collected shall be deposited in the Commonwealth Care Trust Fund, established by section 2OOO of chapter 29.

(e) In promulgating regulations defining the term "contribution" under this section, no proposed regulation by the division of health care finance and policy, except an emergency regulation, shall take effect until 60 days after the proposed regulations have been transmitted to the joint committees on health care financing and financial services.

SECTION 48. The General Laws are hereby amended by inserting after chapter 151E the following chapter:—

CHAPTER 151F

EMPLOYER-SPONSORED HEALTH INSURANCE ACCESS

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

"Employee", any individual employed by any employer subject to this chapter and in employment subject thereto.

"Employer", an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association, corporation or other legal entity, employing employees subject to this chapter; provided, however, that the owner of a dwelling house having not more than 3

apartments and who resides therein, or the occupant of a dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or buildings appurtenant thereto shall not because of such employment be deemed to be an employer. The word "employer" shall not include nonprofit entities, as defined by the Internal Revenue Code, that are exclusively staffed by volunteers nor shall the word employer include sole proprietors.

"Connector", the commonwealth health insurance connector, established under chapter 176Q, acting through its board.

Section 2. Each employer with more than 10 employees in the commonwealth shall adopt and maintain a cafeteria plan that satisfies 26 U.S.C. 125 and the rules and regulations promulgated by the connector. A copy of such cafeteria plan shall be filed with the connector.

Section 3. The attorney general shall enforce this chapter and shall have the authority to seek and obtain injunctive relief in a court of appropriate jurisdiction.

SECTION 49. Paragraph (a) of subdivision (2) of section 108 of chapter 175 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out clause (3) and inserting in place thereof the following clause:—

(3) It purports to insure only 1 person, except that a policy must insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, 2 or more eligible members of that family, including husband, wife, dependent children or any children under a specified age not to exceed 25 years of age or 2 years following loss of dependent status under the Internal Revenue Code, whichever occurs first, and any other person dependent upon the policyholder. If a policy provides for termination of a dependent child's coverage at a specified age and if such a child is mentally or physically incapable of earning his own living on the termination date, the policy shall continue to insure such child while the policy is in force and so long as such incapacity continues, if due proof of such incapacity is received by the insurer within 31 days of such termination date. The term "dependent children" as used in this provision shall include children of adopting parents during pendency of adoption procedures under chapter 210; and.

SECTION 50. Section 110 of said chapter 175, as so appearing, is hereby amended by adding the following subdivision:—

(O) An insurer authorized to issue or deliver within the commonwealth any general or blanket policy of insurance under this section may only contract to sell any general or blanket policy of insurance with an employer if said insurance is offered by that employer to all full-time employees who live in the commonwealth; provided, however, the employer shall not make a smaller health insurance premium contribution percentage amount to an employee than the employer makes to any other employee who receives an equal or greater total hourly or annual salary for each specific or general blanket policy of insurance for all employees. Notwithstanding the foregoing, a carrier may enter into a general or blanket policy of insurance with an employer that establishes separate contribution percentages for employees covered by collective bargaining agreements.

SECTION 51. Said chapter 175 is hereby further amended by inserting after section 110L the following section:—

Section 110M. On the first day of each month, carriers shall report to the health care access bureau, established by section 7A of chapter 26, a listing of all individuals for whom creditable coverage as established by chapter 111M was provided for the previous month.

SECTION 52. Chapter 176A of the General Laws is hereby amended by inserting after section 8 the following section:—

Section 8½. A corporation organized under this chapter may only contract to sell a group non-profit hospital service contract to an employer if the group non-profit hospital service contract is offered by that employer to all full-time employees who live in the commonwealth; provided, however, the employer shall not make a smaller health insurance premium contribution percentage amount to an employee than the employer makes to any other employee who receives an equal or greater total hourly or annual salary for each specific or general blanket policy of insurance for all employees. Notwithstanding the foregoing, a carrier may enter into a contract to sell a group non-profit hospital service contract with an employer that establishes separate contribution percentages for employees covered by collective bargaining agreements.

SECTION 53. Said chapter 176A is hereby further amended by inserting after section 8Y the following section:—

Section 8Z. Any subscription certificate under a group nonprofit hospital service agreement, except certificates which provide supplemental coverage to Medicare or other governmental programs which shall be delivered, issued or renewed in the commonwealth, shall provide, as benefits to all group members having a principal place of employment within the commonwealth, coverage to persons who are age 25 and under or for 2 years following loss of dependent status under the Internal Revenue Code, whichever occurs first.

SECTION 54. Said chapter 176A is hereby further amended by adding the following section:—

Section 34. On the first day of each month, any corporation subject to this chapter shall report to the health care access bureau, established by section 7A of chapter 26, a listing of all individuals for whom creditable coverage as established by chapter 111M was provided for the previous month.

SECTION 55. Chapter 176B of the General Laws is hereby amended by inserting after section 3A the following section:—

Section 3B. A medical service corporation organized under this chapter may only enter into a group medical service agreement with an employer if the group medical service agreement is offered by that employer to all full-time employees who live in the commonwealth; provided, however, the employer shall not make a smaller health insurance premium contribution percentage amount to an employee than the employer makes to any other employee who receives an equal or greater total hourly or annual salary for each specific or general blanket policy of insurance for all employees. Notwithstanding the foregoing, a carrier may enter into a group medical service agreement with an employer that

establishes separate contribution percentages for employees covered by collective bargaining agreements.

SECTION 56. Said chapter 176B is hereby further amended by inserting after section 4Y the following section:—

Section 4Z. Any subscription certificate under an individual or group medical service agreement which shall be delivered or issued or renewed in this commonwealth shall provide as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, coverage to persons who are age 25 and under or for 2 years following loss of dependent status under the Internal Revenue Code, whichever occurs first.

SECTION 57. Said chapter 176B is hereby further amended by adding the following section:—

Section 22. On the first day of each month, carriers shall report to the health care access bureau, established by section 7A of chapter 26, a listing of all individuals for whom creditable coverage as established by chapter 111M was provided for the previous month.

SECTION 58. Chapter 176G of the General Laws is hereby amended by inserting after section 4Q the following section:—

Section 4R. A health maintenance contract shall provide coverage to persons who are age 25 and under or for 2 years following loss of dependent status under the Internal Revenue Code, whichever occurs first.

SECTION 59. Said chapter 176G is hereby further amended by inserting after section 6 the following section:—

Section 6A. A health maintenance organization may only enter into a group health maintenance contract with an employer if the group health maintenance contract is offered by that employer to all full-time employees who live in the commonwealth; provided, however, the employer shall not make a smaller health insurance premium contribution percentage amount to an employee than the employer makes to any other employee who receives an equal or greater total hourly or annual salary for each specific or general blanket policy of insurance for all employees. Notwithstanding the foregoing, a health maintenance organization may enter into a group health maintenance contract with an employer that establishes separate contribution percentages for employees covered by collective bargaining agreements.

SECTION 60. Said chapter 176G is hereby further amended by inserting after section 16 the following section:—

Section 16A. The commissioner shall not disapprove a health maintenance contract on the basis that it includes a deductible that is consistent with the requirements for a high deductible plan as defined in section 223 of the Internal Revenue Code and implementing regulations or guidelines; provided, however, the maximum deductible shall not be greater than the maximum annual contribution to a health savings account permitted under section 223 of the Internal Revenue Code; provided, further that such deductible shall only be approved for products which include a health savings account permitted under said section

223 of the Internal Revenue Code.

SECTION 60A. Said chapter 176G is hereby further amended by inserting after section 16A the following section:—

Section 16B. The commissioner shall not disapprove a health maintenance contract offered as coverage for young adults if the health maintenance contract complies with the minimum standards established under section 10 of chapter 176J.

SECTION 61. Said chapter 176G is hereby further amended by adding the following section:—

Section 30. On the first day of each month, carriers shall report to the health care access bureau, established by section 7A of chapter 26, a listing of all individuals for whom creditable coverage as established by chapter 111M was provided for the previous month.

SECTION 62. Section 1 of chapter 176J of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 10, the words "case characteristics" and inserting in place thereof the following words:— rate basis type.

SECTION 63. Said section 1 of said chapter 176J, as so appearing, is hereby further amended by inserting after the definition of "Adjusted average market premium price" the following definition:—

"Base premium rate", the midpoint rate within a modified community rate band for each rate basis type of each health benefit plan of a carrier.

SECTION 64. Said section 1 of said chapter 176J, as so appearing, is hereby further amended by striking out the definition "Benefit level" and inserting in place thereof the following definition:—

"Benefit level", the health benefits, including the benefit payment structure or service delivery and network, provided by a health benefit plan.

SECTION 65. Said section 1 of said chapter 176J, as so appearing, is hereby further amended by striking out the definition "Carrier" and inserting in place thereof the following definition:—

"Carrier", an insurer licensed or otherwise authorized to transact accident and health insurance under chapter 175; a nonprofit hospital service corporation organized under chapter 176A; a non-profit medical service corporation organized under chapter 176B; or a health maintenance organization organized under chapter 176G.

SECTION 66. Said section 1 of said chapter 176J, as so appearing, is hereby further amended by striking out the definition "Case characteristics".

SECTION 67. Said section 1 of said chapter 176J, as so appearing, is hereby further amended by inserting after the definition of "Commissioner" the following 3 definitions:—

"Connector", the commonwealth health insurance connector, established by chapter 176Q.

"Connector seal of approval", the approval given by the board of the connector to indicate that a health benefit plan meets certain standards regarding quality and value.

"Creditable coverage", coverage of an individual under any of the following health plans with no lapse of coverage of more than 63 days: (a) a group health plan; (b) a health plan, including, but not limited to, a health plan issued, renewed or delivered within or without the commonwealth to an individual who is enrolled in a qualifying student health insurance program under section 18 of chapter 15A or a qualifying student health program of another state; (c) Part A or Part B of Title XVIII of the Social Security Act; (d) Title XIX of the Social Security Act, other than coverage consisting solely of benefits under section 1928; (e) 10 U.S.C. 55; (f) a medical care program of the Indian Health Service or of a tribal organization; (g) a state health benefits risk pool; (h) a health plan offered under 5 U.S.C. 89; (i) a public health plan as defined in federal regulations authorized by the Public Health Service Act, section 2701(c)(I)(I), as amended by Public Law 104-191; (j) a health benefit plan under the Peace Corps Act, 22 U.S.C. 2504(e); (k) coverage for young adults as offered under section 10 of chapter 176J; or (l) any other qualifying coverage required by the Health Insurance Portability and Accountability Act of 1996, as it is amended, or by regulations promulgated under that act.

SECTION 68. Said section 1 of said chapter 176J, as so appearing, is hereby further amended by inserting after the definition of "Eligible dependent" the following definition:—

"Eligible individual", an individual who is a resident of the commonwealth.

SECTION 69. Said section 1 of said chapter 176J, as so appearing, is hereby further amended by striking out, in lines 48 to 50, inclusive, the words "companies which are affiliated companies or which are eligible to file a combined tax return for purposes of state taxation shall be considered one business" and inserting in place thereof the following words:— a business shall be considered to be 1 eligible small business or group if: (1) it is eligible to file a combined tax return for purpose of state taxation, or (2) its companies are affiliated companies through the same corporate parent.

SECTION 70. The definition of "Eligible small business" in said section 1 of said chapter 176J, as so appearing, is hereby amended by adding the following sentence:— An eligible small business that exists within a MEWA shall be subject to this chapter.

SECTION 71. Said section 1 of said chapter 176J, as so appearing, is hereby further amended by striking out the definition "Emergency services" and inserting in place thereof the following definition:—

"Emergency services", services to treat a medical condition, whether physical or mental, manifesting itself by symptoms of sufficient severity, including severe pain, that the absence of prompt medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine, to result in placing the health of an insured or another person in serious jeopardy, serious impairment to body function, or serious dysfunction of any body organ or part, or, with respect to a pregnant woman, as further defined in section 1867(e)(l)(B) of the Social Security Act, 42 U.S.C. 1395dd(e)(l)(B).

SECTION 72. Said section 1 of said chapter 176J, as so appearing, is hereby further

amended by striking out, in lines 70 and 71, the words "employee and eligible dependents" and inserting in place thereof the following words:— employees and eligible dependents or eligible individuals and their dependents.

SECTION 73. Said section 1 of said chapter 176J, as so appearing, is hereby further amended by inserting, after the word "rate", the first time it appears, in line 76, the following words:— , tobacco usage.

SECTION 74. Said section 1 of said chapter 176J, as so appearing, is hereby further amended by inserting after the definition of "Group base premium rates" the following definition:—

"Group health plan", an employee welfare benefit plan, as defined in section 3(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1002, to the extent that the plan provides medical care, and including items and services paid for as medical care to employees or their dependents, as defined under the terms of the plan directly or through insurance, reimbursement or otherwise. For the purposes of this chapter, medical care means amounts paid for (i) the diagnosis, cure, mitigation, treatment or prevention of disease, or amounts paid for the purpose of affecting any structure or function of the body; (ii) amounts paid for transportation primarily for and essential to medical care referred to in clause (i); and (iii) amounts paid for insurance covering medical care referred to in clauses (i) and (ii). Any plan, fund or program which would not be, but for section 2721(e) of the federal Public Health Service Act, an employee welfare benefit plan, and which is established or maintained by a partnership, to the extent that the plan, fund or program provides medical care, including items and services paid for as medical care, to present or former partners in the partnership, or to their dependents, as defined under the terms of the plan, fund or program, directly or through insurance, reimbursement or otherwise, shall be treated, subject to clause (a), as an employee welfare benefit plan which is a group health plan. In a group health plan, (a) the term "employer" also includes the partnership in relation to any partner; and (b) the term "participant" also includes:—

(1) in connection with a group health plan maintained by a partnership, an individual who is a partner of the partnership; or

(2) in connection with a group health plan maintained by a self-employed individual, under which 1 or more employees are participants, the self-employed individual if that individual is, or may become, eligible to receive a benefit under the plan or that individual's beneficiaries may be eligible to receive any benefit.

SECTION 75. Said section 1 of said chapter 176J, as so appearing, is hereby further amended by striking out the definition of "Health benefit plan" and inserting in place thereof the following definition:—

"Health benefit plan", any individual, general, blanket or group policy of health, accident and sickness insurance issued by an insurer licensed under chapter 175; an individual or group hospital service plan issued by a non-profit hospital service corporation under chapter 176A; an individual or group medical service plan issued by a nonprofit medical service corporation under chapter 176B; and an individual or group health maintenance

contract issued by a health maintenance organization under chapter 176G. Health benefit plans shall not include: accident only, credit only, limited scope vision or dental benefits if offered separately; hospital indemnity insurance policies if offered as independent, non-coordinated benefits which for the purposes of this chapter shall mean policies issued under chapter 175 which provide a benefit not to exceed $500 per day, as adjusted on an annual basis by the amount of increase in the average weekly wages in the commonwealth as defined in section 1 of chapter 152, to be paid to an insured or a dependent, including the spouse of an insured, on the basis of a hospitalization of the insured or a dependent; disability income insurance; coverage issued as a supplement to liability insurance; specified disease insurance that is purchased as a supplement and not as a substitute for a health plan and meets any requirements the commissioner by regulation may set; insurance arising out of a workers' compensation law or similar law; automobile medical payment insurance; insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in a liability insurance policy or equivalent self insurance; long-term care if offered separately; coverage supplemental to the coverage provided under 10 U.S.C. 55 if offered as a separate insurance policy; or any policy subject to chapter 176K or any similar policies issued on a group basis, Medicare Advantage plans or Medicare Prescription drug plans. A health plan issued, renewed or delivered within or without the commonwealth to an individual who is enrolled in a qualifying student health insurance program under section 18 of chapter 15A shall not be considered a health plan for the purposes of this chapter and shall be governed by said chapter 15A. The commissioner may by regulation define other health coverage as a health benefit plan for the purposes of this chapter.

SECTION 76. Said section 1 of said chapter 176J, as so appearing, is hereby further amended by inserting after the definition of "Mandated benefit" the following 2 definitions:—

"Member", any person enrolled in a health benefit plan.

"Modified community rate", a rate resulting from a rating methodology in which the premium for all persons within the same rate basis type who are covered under a health benefit plan is the same without regard to health status, but premiums may vary due to factors such as age, group size, industry, participation rate, geographic area, wellness program usage, tobacco usage, or benefit level for each rate basis type as permitted by this chapter.

SECTION 77. Said section 1 of said chapter 176J, as so appearing, is hereby further amended by striking out the definition of "Pre-existing conditions provision" and inserting in place thereof the following definition:—

"Pre-existing conditions provision", with respect to coverage, a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the date of enrollment for the coverage, whether or not any medical advice, diagnosis, care or treatment was recommended or received before that date. Genetic information shall

not be treated as a condition in the absence of a diagnosis of the condition related to that information.

SECTION 78. Said section 1 of said chapter 176J, as so appearing, is hereby further amended by inserting after the definition of "Rate basis type" the following definition:—

"Rating factor", characteristics including, but not limited to, age, industry, rate basis type, geography, wellness program usage or tobacco usage.

SECTION 79. Said section 1 of said chapter 176J, as so appearing, is further amended by inserting after the definition "Rating period" the following 2 definitions:—

"Resident", a natural person living in the commonwealth, but the confinement of a person in a nursing home, hospital or other institution shall not by itself be sufficient to qualify a person as a resident.

"Trade Act/HCTC-eligible persons", any eligible trade adjustment assistance recipient or any eligible alternative trade adjustment assistance recipient as defined in section 35(c)(2) of section 201 of Title II of Public Law 107-210, or an eligible Pension Benefit Guarantee Corporation pension recipient who is at least 55 years old and who has qualified health coverage, does not have other specified coverage, and is not imprisoned, under Public Law 107-210.

SECTION 80. Said section 1 of said chapter 176J, as so appearing, is hereby further amended by inserting after the word "expenses", in line 192, the following words:— , but in all cases pays for emergency services.

SECTION 81. Said chapter 176J is hereby further amended by striking out section 2, as so appearing, and inserting in place thereof the following section:—

Section 2. Except as otherwise provided, this chapter applies to all health benefit plans issued, made effective, delivered or renewed to any eligible small business after April 1, 1992, and all health benefit plans issued, made effective, delivered or renewed to any eligible individual on or after July 1, 2007, whether issued directly by a carrier, through the connector, or through an intermediary. Nothing in this chapter shall be construed to require a carrier that does not issue health benefit plans subject to the chapter to issue health benefit plans subject to this chapter.

SECTION 82. Said chapter 176J is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:—

Section 3. (a) Premiums charged to every eligible small business for a health benefit plan issued or renewed on or after April 1, 1992, or eligible individuals for a health benefit plan issued or renewed on or after July 1, 2007, shall satisfy the following requirements:—

(1) For every health benefit plan issued or renewed to eligible small groups on or after April 1, 1992 and to eligible individuals on or after July 1, 2007, including a certificate issued to an eligible small group or eligible individual that evidences coverage under a policy or contract issued or renewed to a trust, association or other entity that is not a group health plan, a carrier shall develop a group base premium rate for a class of business. The group base premium rates charged by a carrier to each eligible group or eligible individual during a rating period shall not exceed 2 times the group base premium rate which could be charged

by that carrier to the eligible group or eligible individual with the lowest group base premium rate for that rate basis type within that class of business in that group's or individual's geographic area. In calculating the premium to be charged to each eligible small group or eligible individual, a carrier shall develop a group base premium rate for each rate basis type and may develop and use any of the rate adjustment factors identified in paragraphs (2) to (6), inclusive, provided that after multiplying any of the used rate adjustment factors by the group base premium, the resulting product for all adjusted group base premium rate combinations fall within rate bands ranging between 0.66 and 1.32 that is required of all products offered to eligible small groups and eligible individuals. In addition, carriers may apply additional factors, identified in subsection (b) that would apply outside the 0.66 to 1.32 rate band. All other rating adjustments are prohibited. Carriers may offer any rate basis types, but rate basis types that are offered to any eligible small employer or eligible individual shall be offered to every eligible small employer or eligible individual for all coverage issued or renewed on and after July 1, 2007. If an eligible small business does not meet a carrier's minimum participation or contribution requirements, the carrier may separately rate each employee as an eligible individual.

(2) A carrier may establish an age rate adjustment that applies to both eligible individuals and eligible small groups.

(3) A carrier may establish an industry rate adjustment. If a carrier chooses to establish industry rate adjustments, every eligible small group in an industry shall be subject to the applicable industry rate adjustment. The industry rate adjustment applicable to an eligible individual shall be based on the industry of the eligible individual's primary employer and shall be the same adjustment applied to eligible small groups in the same industry. A carrier may not apply an industry rate to an eligible individual who is not employed.

(4) A carrier may establish participation-rate rate adjustments that apply only to eligible small groups for any health benefit plan or plans for any ranges of participation rates below the minimum participation requirements established under the definition of participation requirement in section 1, the value of which shall be expressed as a number. Alternatively, a carrier may separately rate each employee enrolling through such a group as an eligible individual. The participation-rate rate adjustments must be based upon actuarially sound analysis of the differences in the experience of groups with different participation rates. If a carrier chooses to establish participation-rate rate adjustments, every eligible small group with a participation rate within the ranges defined by the carrier shall be subject to the applicable participation-rate rate adjustment.

(5) A carrier may apply a wellness program rate discount that applies to both eligible individuals and eligible small groups who follow those wellness programs that have been approved by the commissioner. If a carrier establishes a wellness program rate discount every eligible insured following the wellness program shall be subject to the applicable wellness program rate discount.

(6) A carrier may apply a tobacco use rate discount that applies to both eligible small groups and eligible individuals who can certify, in a method approved by the commissioner, that eligible individuals and their eligible dependents or eligible small group employees and their eligible dependents have not used tobacco products within the past year.

(b)(1) A carrier may establish a benefit level rate adjustment for all eligible individuals and eligible small groups that shall be expressed as a number. The number shall represent the relative actuarial value of the benefit level, including the health care delivery network, of the health benefit plan issued to that eligible small group or eligible individual as compared to the actuarial value of other health benefit plans within that class of business. If a carrier chooses to establish benefit level rate adjustments, every eligible small group and every eligible individual shall be subject to the applicable benefit level rate adjustment.

(2) The commissioner shall establish not less than 5 distinct regions of the state for the purposes of area rate adjustments. A carrier may establish an area rate adjustment for each distinct region, the value of which shall range from eight-tenths to one and one-fifth. If a carrier chooses to establish area rate adjustments, every eligible small group and every eligible individual within each area shall be subject to the applicable area rate adjustment.

(3) A carrier shall establish a rate basis type adjustment factor for eligible individuals which shall be expressed as a number. The number shall represent the relative actuarial value of the rate basis type, which shall include at least the following 4 categories:— single, 2 adults, 1 adult and children, and family.

(4) A carrier may establish a group size rate adjustment that applies to both eligible individuals and eligible small groups, the value of which shall range from 0.95 to 1.10. If a carrier chooses to establish group size rate adjustments, every eligible individual and eligible small group shall be subject to the applicable group size rate adjustment. If an eligible small business does not meet a carrier's participation or contribution requirements, the carrier may apply the group size adjustment that applies to eligible individuals to each employee who enrolls through the eligible small business.

(c)(1) A carrier that, as of the close of the calendar year 2005, had a combined total of 5,000 or more eligible employees and eligible dependents as defined by this chapter who are enrolled in health benefit plans sold, issued, delivered, made effective or renewed to qualified small businesses pursuant to its license under chapter 176G, shall be required to file a plan with the connector, for its consideration, which could attain the connector seal of approval.

(2) As of January 1, 2007, a carrier that as of the close of any preceding calendar year, has a combined total of 5,000 or more eligible individuals, eligible employees and eligible dependents, who are enrolled in health benefit plans sold, issued, delivered, made effective or renewed to qualified small businesses or eligible individuals pursuant to its license under chapter 176G, shall be required annually to file a plan with the connector for its consideration, which could attain the connector seal of approval; provided however, the plan shall be filed no later than October 1 of any calendar year.

(d)(1) A carrier that, as of the close of the calendar year 2005 had a combined total of 5,000 or more eligible employees and eligible dependents as defined by this chapter who are enrolled in health benefit plans sold, issued, delivered, made effective or renewed to qualified small businesses pursuant to its authority under chapter 175, chapter 176A or chapter 176B shall be required to file a plan with the connector for its consideration, which could attain the connector seal of approval.

(2) As of January 1, 2007, a carrier that as of the close of any preceding calendar year, has a combined total of 5,000 or more eligible individuals, eligible employees and eligible dependents, who are enrolled in health benefit plans sold, issued, delivered, made effective or renewed to qualified small businesses or eligible individuals pursuant to its authority under chapter 175, 176A or 176B, shall be required annually to file a plan with the connector for its consideration, which could attain the connector seal of approval; provided however, the plan shall be filed no later than October 1 of any calendar year.

(e) For the purposes of this section, neither an eligible individual or eligible employee, nor an eligible dependent, shall be considered to be enrolled in a health benefit plan issued pursuant to its authority under chapter 175, 176A or 176B if the health benefit plan is sold, issued, delivered, made effective or renewed to said eligible employee or eligible dependent as a supplement to a health benefit plan subject to licensure under chapter 176G.

SECTION 83. Said chapter 176J is hereby further amended by striking out section 4, as so appearing, and inserting in place thereof the following section:—

Section 4. (a)(1) Every carrier shall make available to every eligible individual and every small business, including an eligible small group or eligible individual a certificate that evidences coverage under a policy or contract issued or renewed to a trust, association or other entity that is not a group health plan, as well as to their eligible dependents, every health benefit plan that it provides to any other eligible individual or eligible small business. No health plan may be offered to an eligible individual or an eligible small business unless it complies with this chapter. Upon the request of an eligible small business or an eligible individual, a carrier must provide that group or individual with a price for every health benefit plan that it provides to any eligible small business or eligible individual. Except under the conditions set forth in paragraph (3) of subsection (a) and paragraph (2) of subsection (b), every carrier shall enroll any eligible small business or eligible individual which seeks to enroll in a health benefit plan. Every carrier shall permit every eligible small business group to enroll all eligible persons and all eligible dependents; provided that the commissioner shall promulgate regulations which limit the circumstances under which coverage must be made available to an eligible employee who seeks to enroll in a health benefit plan significantly later than he was initially eligible to enroll in a group plan.

(2) A carrier shall enroll any person who meets the requirements of an eligible individual into a health plan if such person requests coverage within 63 days of termination of any prior creditable coverage. Coverage shall become effective within 30 days of the date of application, subject to reasonable verification of eligibility.

(3) A carrier shall enroll any eligible individual who does not meet the requirements of subsection (2) into a health benefit plan; provided, however, that a carrier may impose a pre-existing condition exclusion for no more than 6 months or a waiting period, which shall be applied uniformly without regard to any health status-related factors, for no more than 4 months following the individual's effective date of coverage. If a policy includes a waiting period, emergency services shall be covered. In determining whether a pre-existing condition exclusion or a waiting period applies, all health plans shall credit the time such person was covered under prior creditable coverage if the previous coverage was continuous to a date not more than 63 days prior to the date of the request for the new coverage and if the previous coverage was reasonably actuarially equivalent to the new coverage. Coverage shall become effective within 30 days of the date of application. The commissioner shall promulgate regulations for pre-existing condition exclusions and waiting periods permissible under this section. With respect to Trade Act/Health Coverage Tax Credit Eligible Persons, a carrier may impose a pre-existing condition exclusion or waiting period of no more that 6 months following the individual's effective date of coverage if the Trade Act/Health Coverage Tax Credit Eligible Person has had less than 3 months of continuous health coverage before becoming eligible for the HCTC; or a break in coverage of over 62 days immediately before the date of application for enrollment into the qualified health plan.

(4) As of April 1, 2007, no policy may provide for any waiting period if the eligible individual has not had any creditable coverage for the 18 months prior to the effective date of coverage.

(b)(1) Notwithstanding any other provision in this section, a carrier may deny an eligible individual or eligible small group enrollment in a health benefit plan if the carrier certifies to the commissioner that the carrier intends to discontinue selling that health benefit plan to new eligible individuals or eligible small businesses. The commissioner is authorized to promulgate regulations prohibiting a carrier from using this paragraph to circumvent the intent of this chapter.

(2) A carrier shall not be required to issue a health benefit plan to an eligible individual or eligible small business if the carrier can demonstrate to the satisfaction of the commissioner that within the prior 12 months, (a) the eligible individual or eligible small business has repeatedly failed to pay on a timely basis the required health premiums; or, (b) the eligible individual or eligible small business has committed fraud, misrepresented whether or not a person is an eligible individual or eligible employee, or misrepresented other information necessary to determine the size of a group, the participation rate of a group, or the premium rate for a group; or (c) the eligible individual or eligible small business has failed to comply in a material manner with a health benefit plan provision, including for an eligible small business, compliance with carrier requirements regarding employer contributions to group premiums; or (d) the eligible individual voluntarily ceases coverage under a health benefit plan; provided that the carrier shall be required to credit the time such person was covered under prior creditable coverage provided by a carrier if the previous coverage was continuous to a date not more than 63 days prior to the date of the request for

the new coverage. A carrier shall not be required to issue a health benefit plan to an eligible individual or eligible small business if the individual or small business fails to comply with the carrier's requests for information which the carrier deems necessary to verify the application for coverage under the health benefit plan.

(3) A carrier shall not be required to issue a health benefit plan to an eligible individual or eligible small business if the carrier can demonstrate to the satisfaction of the commissioner that:—

(i) the small business fails at the time of issuance or renewal to meet a participation requirement established under the definition of participation rate in section 1; or

(ii) acceptance of an application or applications would create for the carrier a condition of financial impairment, and the carrier makes such a demonstration to the same commissioner.

(4) Notwithstanding any other provision in this section, a carrier may deny an eligible individual or an eligible small business with 5 or fewer eligible employees enrollment in a health benefit plan unless the eligible individual or eligible small business enrolls through an intermediary or the connector. If an eligible individual or an eligible small business with 5 or fewer eligible employees elects to enroll through an intermediary or the connector, a carrier may not deny that eligible individual or eligible small business enrollment. The carrier shall implement such requirements consistently, treating all similarly situated eligible individuals and eligible small businesses in a similar manner.

(c)(1) Every health benefit plan shall be renewable as required by the Health Insurance Portability and Accountability Act of 1996 as amended, or by regulations promulgated under that act.

(2) A carrier shall not be required to renew the health benefit plan of an eligible individual or eligible small business if the individual or small business: (i) has not paid the required premiums; (ii) has committed fraud, misrepresented whether or not a person is an eligible individual or eligible employee, or misrepresented information necessary to determine the size of a group, the participation of a group, or the premium rate for a group; (iii) failed to comply in a material manner with health benefit plan provisions including, for employers, carrier requirements regarding employer contributions to group premiums; (iv) fails, at the time of renewal, to meet the participation requirements of the plan; (v) fails, at the time of renewal, to satisfy the definition of an eligible individual or eligible small business; or, (vi) in the case of a group, is not actively engaged in business.

(3) A carrier may refuse to renew enrollment for an eligible individual, eligible employee or eligible dependent if: (i) the eligible individual, eligible employee or eligible dependent has committed fraud, misrepresented whether or not he or she is an eligible individual, eligible employee or eligible dependent, or misrepresented information necessary to determine his eligibility for a health benefit plan or for specific health benefits; or (ii) the eligible individual, eligible employee or eligible dependent fails to comply in a material manner with health benefit plan provisions.

(d) Nothing in this chapter shall prohibit a carrier from offering coverage in a group to a person, and his dependents, who does not satisfy the hours per week or period employed portions of the definition of eligible employee.

(e) The commissioner shall adopt regulations to enforce this section.

SECTION 84. Said chapter 176J is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section:—

Section 5. (a) No policy shall exclude any eligible individual, eligible employee or eligible dependent on the basis of age, occupation, actual or expected health condition, claims experience, duration of coverage, or medical condition of such person.

(b) Pre-existing conditions provisions shall not exclude coverage for a period beyond 6 months following the individual's effective date of coverage and may only relate to conditions which had, during the 6 months preceding an eligible individual's, eligible employee's or eligible dependent's effective date of coverage and may only relate to a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the date of enrollment for such coverage, whether or not any medical advice, diagnosis, care or treatment was recommended or received before such date. Pre-existing condition provisions may not apply to a pregnancy existing on the effective date of coverage. A carrier may not impose a pre-existing condition exclusion or waiting period for more than 3 months following the effective date of coverage for Trade Act/Health Coverage Tax Credit Eligible Persons.

(c) No policy may provide for a waiting period of more than 4 months beyond the insured's effective date of coverage under the health benefit plan; but an eligible individual who has not had creditable coverage for the 18 months before the effective date of coverage shall not be subject to a waiting period, and a carrier may not impose any waiting period upon a new employee who had creditable coverage under a previous qualifying health plan immediately before, or until, employment by the eligible small business. If a policy includes a waiting period, emergency services shall be covered during the waiting period. In determining whether a waiting period applies to an eligible individual, eligible employee or dependent, all health benefit plans shall credit the time such person was covered under a previous qualifying health plan if the insured experiences only a temporary interruption in coverage, and if the previous qualifying coverage was reasonably actuarially equivalent to the new coverage, both as determined by the commissioner. The waiting period may only apply to services which the new plan covers, but which were not covered under the previous plan.

(d) The commissioner shall adopt regulations to enforce this section.

SECTION 85. Section 6 of said chapter 176J, as so appearing, is hereby amended by inserting after the word "eligible", in line 3, the following words:— individuals or eligible.

SECTION 86. Said section 6 of said chapter 176J, as so appearing, is hereby further amended by inserting after the word "benefits", in line 5, the following words:— and may include networks that differ from those of a health plan's overall network.

SECTION 87. Said chapter 176J is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section:—

Section 7. (a) Every carrier shall make reasonable disclosure to prospective small business insureds, as part of its solicitation and sales material of:—

(1) the surcharge, if any, which shall be applied to a group's premium if one or more members are covered in the plan set forth in section 8; and

(2) the participation requirements or participation rate adjustments of the carrier for each health benefit plan.

(b) Every carrier, as a condition of doing business under the jurisdiction of this chapter on and after January 1, 2007, shall electronically file with the commissioner an annual actuarial opinion that the carrier's rating methodologies and rates to be applied in the upcoming calendar year comply with the requirements of this chapter and any regulations promulgated under the authority of this chapter. In addition, every carrier shall file electronically an annual statement of the number of eligible individuals, eligible employees and eligible dependents, as of the close of the preceding calendar year, enrolled in a health benefit plan offered by the carrier. A carrier that may require eligible individuals or eligible small groups with 5 or fewer eligible employees to obtain coverage through an intermediary or the connector shall file a list of those intermediaries, with associated contact information, before requiring those small groups to go through an intermediary to obtain small group health coverage. Every carrier shall maintain at its principal place of business a complete and detailed description of its rating practices including information and documentation which demonstrates that its rating methods and practices are based upon commonly accepted actuarial assumptions, are under sound actuarial principles, and comply with this chapter. Such information shall be made available to the commissioner upon request, but shall remain confidential.

(c) Every carrier shall notify the commissioner regarding any material changes or additions to the actuarial methodology at least 30 days before the effective date of the change or addition, including amendments to rate basis types, rating factors, intermediary relationships, distribution networks and products offered within this market. If the commissioner determines that a carrier is not complying with this chapter, the commissioner may disapprove the rating methodologies and the rates which the carrier uses.

SECTION 88. Section 8 of said chapter 176J, as so appearing, is hereby amended by adding the following paragraph:—

By no later than July 1, 2006, the governing committee shall establish a proposal to phase-out the operations of the plan and submit a copy of said proposal to the commissioner for approval. The proposal shall include a method for closing the plan by June 30, 2007. The governing committee shall execute the phase-out of the plan.

SECTION 89. Section 9 of said chapter 176J, as so appearing, is hereby amended by inserting after the word "eligible", in line 186, the first time it appears, the following words:— individual or eligible.

SECTION 90. Said chapter 176J is hereby further amended by adding the following section:—

Section 10. The division of insurance, with the advice and consent of the director of the connector, shall issue regulations to define coverage for young adult health benefit plans, and to implement this section. Eligibility for enrollment in a qualifying young adult health insurance program will be restricted to individuals between the ages of 19 and 26, inclusive, who do not otherwise have access to health insurance coverage subsidized by an employer. Coverage for young adults shall provide reasonably comprehensive coverage of inpatient and outpatient hospital services and physician services for physical and mental illness and shall provide all services which a carrier is required to include under applicable division of insurance statutes and regulations, including, but not limited to, mental health services, emergency services, and any health service or category of health service provider which a carrier is required by its licensing or other statute to include in its health benefit plans. Any carrier offering young adult health plans must offer at least 1 product that includes coverage for outpatient prescription drugs. Coverage for young adults may impose reasonable copayments, coinsurance and deductibles and may use cost control techniques commonly used in the health insurance industry, including tiered provider networks and selective provider contracting.

Such plans shall only be issued through the commonwealth health insurance connector as defined in chapter 176Q. Premium rates for young adult health plans shall be consistent with section 3.

SECTION 91. Section 1 of chapter 176M of the General Laws, as so appearing, is hereby amended by inserting after the definition "Conversion nongroup health plan" the following definition:—

"Closed guaranteed issue health plan", a nongroup health plan issued by a carrier to an individual, as well as any covered dependents, after November 1, 1997 but before July 1, 2007. A carrier may permit an individual to continue to add new dependents to a policy issued under a closed guaranteed issue health plan.

SECTION 92. Said section 1 of said chapter 176M, as so appearing, is hereby further amended by inserting after the definition of "Subscriber" the following definition:—

"Trade Act/HCTC-Eligible Persons", any eligible Trade Adjustment Assistance recipient as defined in 35(c)(2) of section 201 of Title II of Public Law 107-210, eligible alternative Trade Adjustment Assistance recipient as defined in section 35(c)(2) of section 201 of Title II of Public Law 107-210, or an eligible Pension Benefit Guarantee Corporation pension recipient that is at least 55 years old and who has qualified health coverage, does not have other specified coverage, and is not imprisoned, under Public Law 107-210.

SECTION 93. Section 3 of said chapter 176M, as so appearing, is hereby amended by inserting after the word "section", in line 8, the following words:— through June 31, 2007.

SECTION 94. Said section 3 of said chapter 176M, as so appearing, is hereby fur-

ther amended by striking out subsections (d) and (e) and inserting in place thereof the following 2 subsections:—

(d) As of July 1, 2007, a carrier shall no longer offer, sell, or deliver a health plan to any person to whom it does not have such an obligation pursuant to an individual policy, contract or agreement with an employer or through a trust or association; provided, however, that a closed guaranteed issue plan or a closed health plan shall be subject to all the other requirements of this chapter. A carrier shall be obligated to renew a closed guarantee issue health plan and a closed plan. A carrier may discontinue a closed guarantee issue health plan or a closed plan when the number of subscribers in a closed guaranteed issue plan or a closed plan is less than 25 per cent of the plan's subscriber total as of December 31, 2004.

(e) Carriers shall notify all members, at the direction of the commissioner, at least once annually, of all health benefit plans and pursuant premiums for which the member is eligible under chapter 176J.

SECTION 95. Section 6 of said chapter 176M, as so appearing, is hereby amended by adding the following paragraph:—

By no later than July 1, 2006, the governing committee shall establish a proposal to phase-out the operations of the plan and submit a copy of said proposal to the commissioner for approval. The proposal shall include a method for closing the plan by June 30, 2007. The governing committee shall execute the phase-out of the plan.

SECTION 96. Section 1 of chapter 176N of the General Laws, as so appearing, is hereby amended by striking out the definitions "Emergency services" and "Health plan" and inserting in place thereof the following 2 definitions:—

"Emergency services", services to treat a medical condition, whether physical or mental, manifesting itself by symptoms of sufficient severity, including severe pain, that the absence of prompt medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine, to result in placing the health of an insured or another person in serious jeopardy, serious impairment to body function, or serious dysfunction of any body organ or part, or, with respect to a pregnant woman, as further defined in § 1867(e)(l)(B) of the Social Security Act, 42 U.S.C. 1395dd(e)(1)(B).

"Health plan", any individual, general, blanket or group policy of health, accident and sickness insurance issued by an insurer licensed under chapter 175; a group hospital service plan issued by a nonprofit hospital service corporation under chapter 176A; a group medical service plan issued by a non profit medical service corporation under chapter 176B; a group health maintenance contract issued by a health maintenance organization under chapter 176G; provided, however, "health plan" shall not include accident only, credit-only, limited scope vision or dental benefits if offered separately, hospital indemnity insurance policies if offered as independent, non-coordinated benefits which under this chapter shall mean policies issued under chapter 175 which provide a benefit not to exceed $500 per day, as adjusted on an annual basis by the amount of increase in the average weekly wages in the commonwealth as defined in section 1 of chapter 152, to be paid to an insured or a dependent, including the spouse of an insured, on the basis of a hospitalization of the insured

or a dependent, disability income insurance, coverage issued as a supplement to liability insurance, specified disease insurance that is purchased as a supplement and not as a substitute for a health plan and meets any requirements the commissioner by regulation may set, insurance arising out of a workers' compensation law or similar law, automobile medical payment insurance, insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in a liability insurance policy or equivalent self insurance, long-term care if offered separately, coverage supplemental to the coverage provided under 10 U.S.C. 55 if offered as a separate insurance policy, or any policy under chapter 176K. A health plan issued, renewed or delivered within or without the commonwealth to an individual who is enrolled in a qualifying student health insurance program under section 18 of chapter 15A shall not be considered a health plan under this chapter and shall be governed by said chapter 15A and the regulations promulgated hereunder. The commissioner may by regulation define other health coverage as a health benefit plan for the purposes of this chapter.

SECTION 97. Section 2 of said chapter 176N, as so appearing, is hereby amended by striking out, in lines 12 and 13, the words "or (2) a pregnancy existing on the effective date of coverage".

SECTION 98. Said section 2 of said chapter 176N, as so appearing, is hereby further amended by striking out, in line 16, the word "thirty" and inserting in place thereof the following figure:— 63.

SECTION 99. Said section 2 of said chapter 176N, as so appearing, is hereby further amended by striking out, in line 21, the word "six" and inserting in place thereof the following figure:— 4.

SECTION 100. Said section 2 of said chapter 176N, as so appearing, is hereby further amended by inserting after the word "plan", in line 22, the following words:— ; provided that an eligible individual who has not had creditable coverage for the 18 months prior to the effective date of coverage shall not be subject to a waiting period.

SECTION 101. The General Laws are hereby amended by inserting after chapter 176P the following chapter:—

CHAPTER 176Q

COMMONWEALTH HEALTH INSURANCE CONNECTOR

Section 1. As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings:—

"Authority", the commonwealth health insurance connector authority.

"Board", the board of the commonwealth health insurance connector, established by section 2.

"Business entity", a corporation, association, partnership, limited liability company, limited liability partnership or other legal entity.

"Carrier", an insurer licensed or otherwise authorized to transact accident and health

insurance under chapter 175; a nonprofit hospital service corporation organized under chapter 176A; a nonprofit medical service corporation organized under chapter 176B; a health maintenance organization organized under chapter 176G.

"Commissioner", the commissioner of insurance.

"Commonwealth care health insurance program", the program administered under chapter 118H.

"Commonwealth care health insurance program enrollees", individuals and their dependents eligible to enroll in the commonwealth care health insurance program.

"Connector", the commonwealth health insurance connector.

"Connector seal of approval", the approval given by the board of the connector to indicate that a health benefit plan meets certain standards regarding quality and value.

"Division", the division of health care finance and policy.

"Eligible individuals", an individual who is a resident of the commonwealth; provided however, that the individual is not offered subsidized health insurance by an employer with more than 50 employees.

"Eligible small groups", groups, any sole proprietorship, labor union, educational, professional, civic, trade, church, not-for-profit or social organization or firms, corporations, partnerships or associations actively engaged in business that on at least 50 per cent of its working days during the preceding year employed at least one but not more than 50 employees.

"Health benefit plan", any individual, general, blanket or group policy of health, accident and sickness insurance issued by an insurer licensed under chapter 175; a group hospital service plan issued by a non-profit hospital service corporation under chapter 176A; a group medical service plan issued by a non-profit medical service corporation under chapter 176B; a group health maintenance contract issued by a health maintenance organization under chapter 176G; a coverage for young adults health insurance plan under section 10 of chapter 176J. The words "health benefit plan" shall not include accident only, credit-only, limited scope vision or dental benefits if offered separately, hospital indemnity insurance policies if offered as independent, non-coordinated benefits which for the purposes of this chapter shall mean policies issued under chapter 175 which provide a benefit not to exceed $500 per day, as adjusted on an annual basis by the amount of increase in the average weekly wages in the commonwealth as defined in section 1 of chapter 152, to be paid to an insured or a dependent, including the spouse of an insured, on the basis of a hospitalization of the insured or a dependent, disability income insurance, coverage issued as a supplement to liability insurance, specified disease insurance that is purchased as a supplement and not as a substitute for a health plan and meets any requirements the commissioner by regulation may set, insurance arising out of a workers' compensation law or similar law, automobile medical payment insurance, insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in a liability insurance policy or equivalent self insurance, long-term care if offered separately, coverage supplemental to the coverage provided under 10 U.S.C. section 55 if offered as a separate insurance policy,

or any policy subject to chapter 176K or any similar policies issued on a group basis, Medicare Advantage plans or Medicare Prescription drug plans. A health plan issued, renewed or delivered within or without the commonwealth to an individual who is enrolled in a qualifying student health insurance program under section 18 of chapter 15A shall not be considered a health plan for the purposes of this chapter and shall be governed by said chapter 15A. The commissioner may by regulation define other health coverage as a health benefit plan for the purposes of this chapter.

"Mandated benefits", a health service or category of health service provider which a carrier is required by its licensing or other statute to include in its health benefit plan.

"Participating institution", an eligible group that purchases health benefit plans through the connector.

"Premium assistance payment", a payment made to carriers by the connector.

"Rating factor", characteristics including, but not limited to, age, industry, rate basis type, geography, wellness program usage or tobacco usage.

"Sub-connector", a locally incorporated and governed organization, with demonstrated experience in the small business health insurance and benefit market and which has been authorized to function in conjunction with the board of the connector.

Section 2. (a) There shall be a body politic and corporate and a public instrumentality to be known as the commonwealth health insurance connector authority, which shall be an independent public entity not subject to the supervision and control of any other executive office, department, commission, board, bureau, agency or political subdivision of the commonwealth except as specifically provided in any general or special law. The exercise by the authority of the powers conferred by this chapter shall be considered to be the performance of an essential public function. The purpose of the authority is to implement the commonwealth health insurance connector, the purpose of which is to facilitate the availability, choice and adoption of private health insurance plans to eligible individuals and groups as described in this chapter.

(b) There shall be a board, with duties and powers established by this chapter, that shall govern the connector. The connector board shall consist of 11 members: the secretary for administration and finance, ex officio, who shall serve as chairperson; the director of Medicaid, ex officio; the commissioner of insurance, ex officio; the executive director of the group insurance commission; 3 members appointed by the governor, 1 of whom shall be a member in good standing of the American Academy of Actuaries, 1 of whom shall be a health economist, and 1 of whom shall represent the interests of small businesses; and 3 members appointed by the attorney general, 1 of whom shall be an employee health benefits plan specialist, 1 of whom shall be a representative of a health consumer organization, and 1 of whom shall be a representative of organized labor. No appointee may be an employee of any licensed carrier authorized to do business in the commonwealth. All appointments shall serve a term of 3 years, but a person appointed to fill a vacancy shall serve only for the unexpired term. An appointed member of the board shall be eligible for reappointment. The board shall annually elect 1 of its members to serve as vice-chairperson. Each member of

the board serving ex officio may appoint a designee under section 6A of chapter 30.

(c) Six members of the board shall constitute a quorum, and the affirmative vote of 6 members of the board shall be necessary and sufficient for any action taken by the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and duties of the connector. Members shall serve without pay, but shall be reimbursed for actual expenses necessarily incurred in the performance of their duties. The chairperson of the board shall report to the governor and to the general court no less than annually.

(d) Any action of the connector may take effect immediately and need not be published or posted unless otherwise provided by law. Meetings of the connector shall be subject to section 11A½ of chapter 30A; but, said section 11A½ shall not apply to any meeting of members of the connector serving ex officio in the exercise of their duties as officers of the commonwealth if no matters relating to the official business of the connector are discussed and decided at the meeting. The connector shall be subject to all other provisions of said chapter 30A, and records pertaining to the administration of the connector shall be subject to section 42 of chapter 30 and section 10 of chapter 66. All moneys of the connector shall be considered to be public funds for purposes of chapter 12A. The operations of the connector shall be subject to chapter 268A and chapter 268B.

(e) The chairperson shall hire an executive director to supervise the administrative affairs and general management and operations of the connector and also serve as secretary of the connector, ex officio. The executive director shall receive a salary commensurate with the duties of the office. The executive director may appoint other officers and employees of the connector necessary to the functioning of the connector. Sections 9A, 45, 46, and 46C of chapter 30, chapter 31 and chapter 150E shall not apply to the executive director or any other employees of the connector. The executive director shall, with the approval of the board:—

(i) plan, direct, coordinate and execute administrative functions in conformity with the policies and directives of the board;

(ii) employ professional and clerical staff as necessary;

(iii) report to the board on all operations under his control and supervision;

(iv) prepare an annual budget and manage the administrative expenses of the connector; and

(v) undertake any other activities necessary to implement the powers and duties set forth in this chapter.

(f) As of April 1, 2007, the connector shall begin offering health benefit plans under section 5.

Section 3. The purpose of the board of the connector shall be to implement the commonwealth health insurance connector. The goal of the board is to facilitate the purchase of health care insurance products through the connector at an affordable price by eligible individuals, groups and commonwealth care health insurance plan enrollees. For these purposes, the board is authorized and empowered as follows:—

(a) to develop a plan of operation for the connector, this shall include, but not be limited to, the following:—

(1) establish procedures for operations of the connector;

(2) establish procedures for communications with the executive director;

(3) establish procedures for the selection of and the seal of approval certification for health benefit plans to be offered through the connector;

(4) establish procedures for the enrollment of eligible individuals, groups and commonwealth care health insurance program enrollees;

(5) establish procedures for granting an annual certification upon request of a resident who has sought health insurance coverage through the connector, attesting that, for the purposes of enforcing section 2 of chapter 111M, no health benefit plan which meets the definition of creditable coverage was deemed affordable by the connector for said individual. The connector shall maintain a list of individuals for whom such certificates have been granted;

(6) establish procedures for appeals of eligibility decisions for the commonwealth care health insurance program, established by chapter 118H;

(7) establish appeals procedures for enforcement actions taken by the department of revenue under said chapter 111M, including standards to govern appeals based on the assertion that imposition of the penalty under said chapter 111M would create extreme hardship;

(8) establish a plan for operating a health insurance service center to provide eligible individuals, groups and commonwealth care health insurance program enrollees, with information on the connector and manage connector enrollment;

(9) establish and manage a system of collecting all premium payments made by, or on behalf of, individuals obtaining health insurance coverage through the connector, including any premium payments made by enrollees, employees, unions or other organizations;

(10) establish and manage a system of remitting premium assistance payments to the carriers;

(11) establish a plan for publicizing the existence of the connector and the connector's eligibility requirements and enrollment procedures;

(12) develop criteria for determining that certain health benefit plans shall no longer be made available through the connector, and to develop a plan to decertify and remove the seal of approval from certain health benefit plans;

(13) develop a standard application form for eligible individuals, groups seeking to purchase health insurance through the connector, and commonwealth care health insurance program enrollees, seeking a premium assistance payment which shall include information necessary to determine an applicant's eligibility, previous health insurance coverage history and payment method; and

(14) develop criteria for plans eligible for premium assistance payments through the commonwealth care health insurance plan, initially publishing said criteria by July 1, 2006

for plans to be procured and implemented no later than October 1, 2006.

(b) to determine each applicant's eligibility for purchasing insurance offered by the connector, including eligibility for premium assistance payments.

(c) to seek and receive any grant funding from the federal government, departments or agencies of the commonwealth, and private foundations.

(d) to contract with professional service firms as may be necessary in its judgment, and to fix their compensation.

(e) to contract with companies which provide third-party administrative and billing services for insurance products.

(f) to charge and equitably apportion among participating institutions its administrative costs and expenses incurred in the exercise of the powers and duties granted by this chapter.

(g) to adopt by-laws for the regulation of its affairs and the conduct of its business.

(h) to adopt an official seal and alter the same.

(i) to maintain an office at such place or places in the commonwealth as it may designate.

(j) to sue and be sued in its own name, plead and be impleaded.

(k) to establish lines of credit, and establish one or more cash and investment accounts to receive payments for services rendered, appropriations from the commonwealth and for all other business activity granted by this chapter except to the extent otherwise limited by any applicable provision of the Employee Retirement Income Security Act of 1974.

(l) to approve the use of its trademarks, brand names, seals, logos and similar instruments by participating carriers, employers or organizations.

(m) to enter into interdepartmental agreements with the department of revenue, the executive office of health and human services, the division of insurance and any other state agencies the board deems necessary to implement chapter 111M and chapter 118H.

(n) to create and deliver to the department of revenue a form for the department to distribute to every person to whom it distributes information regarding personal income tax liability, including, without limitation, every person who filed a personal income tax return in the most recent calendar year, informing the recipient of the requirements to establish and maintain health care coverage.

(o) to create for publication, by September 30 of each year, the commonwealth care health insurance program consumer price schedule.

(p) to create for publication by December 1 of each year, a premium schedule, which, accounting for maximum pricing in all rating factors with an exception for age, shall include the lowest premium on the market for which an individual would be eligible for "creditable coverage" as defined in chapter 111M. The schedule shall publish premiums allowing variance for age and rate basis type. The premium schedule shall be delivered to the department of revenue for use in establishing compliance with section 2 of chapter 111M.

(q) to review annually the publication of the income levels for the federal poverty guidelines and devise a schedule of a percentage of income for each 50 per cent increment of the federal poverty level at which an individual could be expected to contribute said percentage of income towards the purchase of health insurance coverage. The director shall consider contribution schedules, such as those set for government benefits programs. The report shall be published annually beginning on June 1, 2007. Prior to publication, the schedule shall be reported to the house and senate committee on ways and means and the joint committee on health care financing.

(r) to establish criteria, accept applications, and approve or reject licenses for certain sub-connectors which shall be authorized to offer health benefit plans offered by the connector. The board shall establish and maintain a procedure for coordination with said sub-connectors.

(s) to define and set by regulation minimum requirements for health plans meeting the requirement of "creditable coverage" as used in section 1 of chapter 111M.

(t) to establish and evaluate requirements for plans issued under section 5 with regard to health care delivery network design.

Section 4. (a) The connector may only offer health benefit plans to eligible individuals, and groups as defined in this chapter. Sub-connectors shall be authorized to offer all health benefit plans that the connector may offer, including all health benefit plans offered through the commonwealth care health insurance program.

(b) An eligible individual or small group's participation in the connector shall cease if coverage is cancelled under section 4 of chapter 176J.

Section 5. (a) Only health insurance plans that have been authorized by the commissioner and underwritten by a carrier may be offered through the connector.

(b) Each health plan offered through the connector shall contain a detailed description of benefits offered, including maximums, limitations, exclusions and other benefit limits.

(c) No health plan shall be offered through the connector that excludes an individual from coverage because of race, color, religion, national origin, sex, sexual orientation, marital status, health status, personal appearance, political affiliation, source of income, or age.

(d) Plans receiving the connector seal of approval shall meet all requirements of health benefit plans as defined in section 1 of chapter 176J; provided, however, in order to encourage lower cost, high quality health benefit plans, that plans shall not be required to meet health care delivery network design provisions in any other law or regulation, and shall be free to contract on a mutually agreed basis with, or determine not to contract with, any provider for covered services; provided, however, that the contracted network meets the requirements set forth by the board of the connector.

Section 6. Eligible small groups seeking to be a participating institution shall, as a condition of participation in the connector, enter in a binding agreement with the connector which, at a minimum, shall stipulate the following:—

(a) that the employer agrees that, for the term of agreement, the employer will not offer to eligible individuals to participate in the connector any separate or competing group health plan offering the same, or substantially the same, benefits provided through the connector;

(b) that the employer reserves the right to determine, subject to applicable law, the criteria for eligibility, enrollment and participation in the connector and the amounts of the employer contributions, if any, to such health plan, provided that, for the term of the agreement with the connector, the employer agrees not to change or amend any such criteria or contribution amounts at anytime other than during a period designated by the connector for participating employer health plans;

(c) that the employers will participate in a payroll deduction program to facilitate the payment of health benefit plan premium payments by employees to benefit from deductibility of gross income under 26 U.S.C. 104, 105, 106 and 125; and

(d) that the employer agrees to make available, in a timely manner, for confidential review by the executive director, any of the employer's documents, records or information that the connector reasonably determines is necessary for the executive director to:—

(1) verify that the employer is in compliance with applicable federal and commonwealth laws relating to group health insurance plans, particularly those provisions of such laws relating to non-discrimination in coverage; and

(2) verify the eligibility, under the terms of the health plan, of those individuals enrolled in the employer's participating health plan.

Section 7. The connector shall administer the commonwealth care health insurance program, as described in chapter 118H, and remit premium assistance payments beginning on October 1, 2006 to those carriers providing health plans to commonwealth care health insurance program enrollees.

Section 8. The connector shall enter into interagency agreements with the department of revenue to verify income data for participants in the commonwealth care health insurance program. Such written agreements shall include provisions permitting the connector to provide a list of individuals participating in or applying for the commonwealth care health insurance program, including any applicable members of the households of such individuals, which would be counted in determining eligibility, and to furnish relevant information including, but not limited to, name, social security number, if available, and other data required to assure positive identification. Such written agreements shall include provisions permitting the department of revenue to examine the data available under the wage reporting system established under section 3 of chapter 62E. The department of revenue is hereby authorized to furnish the connector with information on the cases of persons so identified, including, but not limited to, name, social security number and other data to ensure positive identification, name and identification number of employer, and amount of wages received and gross income from all sources.

Section 9. The commonwealth, through the group insurance commission, shall enter

into an agreement with the connector whereby employees and contractors of the commonwealth who are ineligible for group insurance commission enrollment may elect to purchase a health benefit plan through the connector. The group insurance commission shall develop a protocol for making pro-rated contributions to the chosen plan on behalf of the commonwealth.

Section 10. The connector seal of approval shall be assigned to health benefit plans that the board determines (1) meets the requirements of subsection (d) of section 5; (2) provides good value to consumer; (3) offers high quality; and (4) is offered through the connector.

Section 11. (a) When an eligible individual or group is enrolled in the connector by a producer licensed in the commonwealth, the health plan chosen by each eligible individual or group shall pay the producer a commission that shall be determined by the board. In setting the commission, the board of the connector shall consider rates of commissions paid to producers for health plans issued under chapter 176J as of January 1, 2006.

Section 12. (a) The connector shall be authorized to apply a surcharge to all health benefit plans which shall be used only to pay for administrative and operational expenses of the connector; provided, however, that such a surcharge shall be applied uniformly to all health benefit plans offered through the connector and sub-connectors; provided further that a sub-connector may charge an additional fee to be used only to pay for additional administrative and operational expenses of the sub-connector. These surcharges shall not be used to pay any premium assistance payments under the commonwealth care health insurance program, as described in chapter 118H.

(b) Each carrier participating in the connector shall be required to furnish such reasonable reports as the board determines necessary to enable the executive director to carry out his duties under this chapter.

(c) The board may withdraw a health plan from the connector only after notice to the carrier.

Section 13. (a) All expenses incurred in carrying out this chapter shall be payable solely from funds provided under the authority of this chapter and no liability or obligations shall be incurred by the connector hereunder beyond the extent to which monies shall have been provided under this chapter.

(b) The connector shall be liable on all claims made as a result of the activities, whether ministerial or discretionary, of any member, officer, or employee of the connector acting as such, except for willful dishonesty or intentional violation of the law, in the same manner and to the same extent as a private person under like circumstances; provided, however, that the connector shall not be liable to levy or execution on any real or personal property to satisfy judgment, for interest prior to judgment, for punitive damages or for any amount in excess of $100,000.

(c) No person shall be liable to the commonwealth, to the connector or to any other person as a result of his activities, whether ministerial or discretionary, as a member, officer

or employee of the connector except for willful dishonesty or intentional violation of the law; provided, however, that such person shall provide reasonable cooperation to the connector in the defense of any claim. Failure of such person to provide reasonable cooperation shall cause him to be jointly liable with the connector, to the extent that such failure prejudiced the defense of the action.

(d) The connector may indemnify or reimburse any person, or his personal representative, for losses or expenses, including legal fees and costs, arising from any claim, action, proceeding, award, compromise, settlement or judgment resulting from such person's activities, whether ministerial or discretionary, as a member, officer or employee of the connector; provided that the defense of settlement thereof shall have been made by counsel approved by the connector. The connector may procure insurance for itself and for its members, officers and employees against liabilities, losses and expenses which may be incurred by virtue of this section or otherwise.

(e) No civil action hereunder shall be brought more than 3 years after the date upon which the cause thereof accrued.

(f) Upon dissolution, liquidation or other termination of the connector, all rights and properties of the connector shall pass to and be vested in the commonwealth, subject to the rights of lien holders and other creditors. In addition, any net earnings of the connector, beyond that necessary for retirement of any indebtedness or to implement the public purpose or purposes or program of the commonwealth, shall not inure to the benefit of any person other than the commonwealth.

Section 14. The connector shall keep an accurate account of all its activities and of all its receipts and expenditures and shall annually make a report thereof as of the end of its fiscal year to its board, to the governor, to the general court, and to the state auditor, such reports to be in a form prescribed by the board, with the written approval of the auditor. The board or the auditor may investigate the affairs of the connector, may severally examine the properties and records of the connector, and may prescribe methods of accounting and the rendering of periodical reports in relation to projects undertaken by the connector. The connector shall be subject to biennial audit by the state auditor.

Section 15. No later than 2 years after the connector begins operation and every year thereafter, the connector shall conduct a study of the connector and the persons enrolled in the connector and shall submit a written report to the governor, the president of the senate, the speaker of the house of representatives, the chairs of the joint committee on health care financing, and the house and senate committees on ways and means on status and activities of the connector based on data collected in the study. The report shall also be available to the general public upon request. The study shall review:—

(1) the operation and administration of the connector, including surveys and reports of health benefits plans available to eligible individuals and on the experience of the plans. The experience on the plans shall include data on enrollees in the connector and enrollees purchasing health benefit plans as defined by chapter 176J outside of the connector, the operation and administration of the commonwealth care health insurance program described

in chapter 118H, expenses, claims statistics, complaints data, how the connector met its goals, and other information deemed pertinent by the connector; and

(2) any significant observations regarding utilization and adoption of the connector.

Section 16. The connector may adopt regulations to implement this chapter.

SECTION 102. Section 22 of chapter 47 of the acts of 1997 is hereby amended by striking out, in line 2, the figure "2007", inserted by section 156 of chapter 184 of the acts of 2002, and inserting in place thereof the following figure:— 2012.

SECTION 103. Chapter 241 of the acts of 2004 is hereby repealed.

SECTION 104. Item 4000-0352 of section 2 of chapter 45 of the acts of 2005 is hereby amended by inserting after the words "administered by the executive office" the following words:— ; provided, that grants shall be awarded to groups statewide, including areas in which the United States Census deems a high percentage of uninsured individuals and areas in which there are limited health care providers; provided further, that funds shall be awarded as grants to community and consumer-focused public and private nonprofit groups to provide enrollment assistance, education and outreach activities directly to consumers who may be eligible for MassHealth or subsidized health care coverage, and who may require individualized support due to geography, ethnicity, race, culture, immigration or disease status and representative of communities throughout the commonwealth; provided further, that funds shall be allocated to provide informational support and technical assistance to recipient organizations and to promote appropriate and effective enrollment activities through the statewide health access network; provided further, that the cost of information support and technical assistance shall not exceed 10 per cent of the appropriation and shall not be used to defray current state obligations to provide this assistance.

SECTION 105. Notwithstanding any general or special law to the contrary, the executive office of health and human services shall seek federal approval effective July 1, 2006 to enroll an additional 1,600 people, for a maximum total of 15,600 enrollees, in the CommonHealth program, funded in item 4000-0430 in section 2 of chapter 45 of the acts of 2005.

SECTION 106. Notwithstanding any general or special law to the contrary, the executive office of health and human services shall seek federal approval effective July 1, 2006 to enroll an additional 250 people, for a maximum total of 1,300 enrollees, in the Family Assistance HIV positive program, funded in item 4000-1400 in section 2 of chapter 45 of the acts of 2005.

SECTION 107. Notwithstanding any general or special law to the contrary, the executive office of health and human services shall seek federal approval effective July 1, 2006 to enroll an additional 16,000 people, for a maximum total of 60,000 enrollees, in the MassHealth Essential program, funded in item 4000-1405 in section 2 of chapter 45 of the acts of 2005.

SECTION 108. Notwithstanding any general or special law to the contrary, the executive office of health and human services shall create a 2-year pilot program for smoking

and tobacco use cessation treatment and information to include within its MassHealth-covered services. Smoking and tobacco use cessation treatment and information benefits shall include nicotine replacement therapy, other evidence-based pharmacologic aids to quitting smoking, and accompanying counseling by a physician, certified tobacco use cessation counselor, or other qualified clinician. The executive office shall report annually on the number of enrollees who participate in smoking cessation services, number of enrollees who quit smoking, and Medicaid expenditures tied to tobacco use by Medicaid enrollees. The comptroller shall transfer $7 million from the Health Care Security Trust, established by section 1 of chapter 29D of the General Laws, to the General Fund in each fiscal year 2007 and fiscal year 2008 to fund this program.

SECTION 109. The executive office of health and human services shall investigate and study the creation of selective provider networks. The study shall consider geography and cultural competence of providers. The executive office shall report the results of the study to the joint committee on health care financing and the house and senate committees on ways and means no later than January 1, 2007.

SECTION 110. The department of public health shall make an investigation and study relative to (a) using and funding of community health workers by public and private entities in the commonwealth, (b) increasing access to health care, particularly Medicaid-funded health and public health services, and (c) eliminating health disparities among vulnerable populations. The department shall convene a statewide advisory council to assist in developing said investigation, interpreting its results, and developing recommendations for a sustainable community health worker program involving: public and private partnerships to improve access to health care, elimination of health disparities, increased use of primary care and a reduction in inappropriate use of hospital emergency rooms, and stronger workforce development in the commonwealth, including a training curriculum and community health worker certification program to insure high standards, cultural competency and quality of services. The advisory council shall be chaired by the commissioner of public health or his designee and shall include 14 additional members, including the chief executives or their designees of the following agencies or organizations:— office of Medicaid, department of labor, Massachusetts Community Health Workers Network, Outreach Worker Training Institute of Central Massachusetts Area Health Education Center, Community Partners' Health Access Network, the Massachusetts Public Health Association, Massachusetts Center for Nursing, Boston Public Health Commission, Massachusetts Association of Health Plans, Blue Cross Blue Shield of Massachusetts, Massachusetts Medical Society, Massachusetts Hospital Association, the Massachusetts League of Community Health Centers and the MassHealth Technical Forum.

The department shall report to the general court the results of its study and its recommendations by filing them with the clerks of the house and senate, who shall forward them to the joint committee on health care financing and to the house and senate committees on ways and means on or before January 1, 2007.

SECTION 111. The secretary of health and human services shall seek to obtain federal SCHIP reimbursement, under Title XXI, for all persons eligible. To the extent SCHIP funds are not available for all eligible programs, the secretary shall first seek SCHIP reimbursement for Title XXI eligible programs prior to claiming SCHIP reimbursement for Title XIX eligible programs. The secretary shall report quarterly to the joint committee on health care financing and the house and senate committees on ways and means on the status of federal SCHIP reimbursement.

SECTION 112. The secretary of health and human services shall seek an amendment to the MassHealth demonstration waiver granted by the United States Department of Health and Human Services under section 1115(a) of the Social Security Act, as authorized by chapter 203 of the acts of 1996, to implement this act. All negotiations with the federal Centers for Medicare and Medicaid Services or the federal Office of Management and Budget concerning this amendment shall be conducted in consultation with the secretary or his designee, a member of the house of representatives as appointed by the speaker of the house or his designee, and a member of the senate as appointed by the senate president or his designee. Any terms and conditions negotiated with the federal Centers for Medicare and Medicaid Services, including all correspondence related to the waiver, shall be submitted to the appointed member of the house of representatives and the appointed member of the senate, no fewer than 7 business days prior to submission to the federal Centers for Medicare and Medicaid Services. The secretary shall seek to obtain maximum federal reimbursement for all expenditures made under provisions of this act for which federal financial participation is available. The secretary shall report quarterly to the joint committee on health care financing and the house and senate committees on ways and means on the status of the waiver amendment sought under this section.

SECTION 113. Notwithstanding any general or special law to the contrary, the executive office of health and human services shall not make any change to the financing, operation or regulation of, or contracts pertaining to, the provision of behavioral health services to persons receiving services administered, provided, paid for or procured by the executive office of health and human services, office of Medicaid, including, but not limited to services under Title XIX of the Social Security Act, and Title XXI SCHIP, and any MassHealth expansion population served under Section 1115 waivers, nor shall it recommend or procure, by request for response or otherwise, any such changes, nor shall it seek approval from the federal Centers for Medicare and Medicaid Services for any such changes, until it has submitted a report outlining the proposed changes, together with its reasons and an explanation of the benefits of such changes, to the joint committees on mental health and substance abuse and health care financing; and further, all managed care organizations contracting or delivering behavioral health services to persons receiving services administered, provided, paid for or procured by the executive office of health and human services, office of Medicaid, including, but not limited to services under Title XIX of the Social Security Act, and Title XXI SCHIP, and any MassHealth expansion population

served under Section 1115 waivers, and youth in the care and custody of the department of social services or the department of youth services, including any specialty behavioral health managed care organization contracted to administer said behavioral health services, shall obtain the approval of the commissioner of mental health for all of the behavioral health benefits, including but not limited to policies, protocols, standards, contract specifications, utilization review and utilization management criteria and outcome measurements. For purposes of this section, "specialty behavioral health managed care organization" shall mean a managed care organization whose primary line of business is the management of mental health and substance abuse services.

SECTION 114. (a) Notwithstanding any general or special laws to the contrary, there shall be a special commission to examine and study the impact of merging the non-group insurance market as defined in chapter 176M of the General Laws and small-group health insurance market as defined in chapter 176J of the General Laws.

(b) The commission shall consist of the commissioner of insurance, who shall serve as chair; the secretary of administration and finance; the commissioner of the division of health care finance and policy; 3 members appointed by the president of the senate, including an actuary in good standing with the American Society of Actuaries, a health economist, and a member of the senate; and 3 members appointed by the speaker of the house of representatives, including an actuary in good standing with the American Society of Actuaries, a health economist, and a member of the house of representatives.

(c) The commission shall conduct a study, which shall include examining the impact of merging the non-group and small-group health insurance markets on premiums charged to individuals and small groups. The report shall take into account the following factors:—

(1) the individual mandate, established by chapter 111M of the General Laws;

(2) the commonwealth care health insurance program, established by chapter 118H of the General Laws;

(3) health benefit plans authorized to be sold through the commonwealth health insurance connector, established by chapter 176Q of the General Laws, and the operation of the connector;

(4) the requirement in chapter 151F of the General Laws for employers to establish plans under 26 U.S.C. 125;

(5) the fair share employer assessment, established by section 188 of chapter 149 of the General Laws;

(6) the free rider surcharge, established by section 18B of chapter 118E of the General Laws; and

(7) appropriate use by insurance plans of standardized industry codes as used as a rating factor in section 1 of chapter 176J of the General Laws.

(d) The commission shall then direct that the results of the study shall be further studied to analyze the potential impact of reinsurance on the new merged market.

(e) For the purpose of conducting these studies, the commission may contract with an outside organization with expertise in fiscal analysis of the private insurance market. The

commission shall establish appropriate guidelines and assumptions regarding the health reforms authorized in this act before engaging an outside organization. In conducting its examination, the organization shall, to the extent possible, obtain and use actual health plan data; but such data shall be confidential and shall not be a public record.

(f) The commission shall meet no later than May 1, 2006 and shall file a report with the clerks of the senate and house of representatives no later than December 31, 2006.

SECTION 115. There shall be an open enrollment period for eligible individuals and their dependents as defined in section 1 of chapter 176J of the General Laws. The open enrollment period shall begin on March 1, 2007, and end on May 31, 2007. No carrier shall impose a pre-existing condition provision or waiting period provision for any eligible individual who enrolls during the open enrollment period.

SECTION 116. Notwithstanding any general or special law to the contrary, the comptroller shall transfer $5,000,000, upon passage of this act, from the General Fund to the Massachusetts Technology Park Corporation established in section 3 of chapter 40J of the General Laws, to support the initial implementation of its computerized physician order entry system initiative and other activities designed to save lives, reduce health care costs and increase economic competitiveness for the citizens of the commonwealth.

SECTION 117. Notwithstanding any general or special law to the contrary, on September 30, 2007, the comptroller shall transfer any balance remaining in the Uncompensated Care Trust Fund to the Health Safety Net Trust Fund, established by section 57 of chapter 118E of the General Laws.

SECTION 118. Notwithstanding any general or special law to the contrary, as of September 30, 2006, the comptroller shall transfer all monies remaining in the Distressed Provider Expendable Trust Fund, established by chapter 241 of the acts of 2004, to the Essential Community Provider Trust Fund, established by section 2PPP of chapter 29 of the General Laws.

SECTION 119. Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the state treasurer, the secretary of administration and finance and the secretary of health and human services, develop a schedule for transferring not less than $125,000,000 from the General Fund to the Commonwealth Care Trust Fund. This schedule shall make the transfers in increments considered appropriate to meet the cash flow needs of the commonwealth and the Commonwealth Care Trust Fund. The transfers shall not begin before July 1, 2005, and shall be completed on or before June 30, 2006.

SECTION 120. Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the state treasurer, the secretary of administration and finance and the secretary of health and human services, develop a schedule for transferring not less than $290,000,000 from the Commonwealth Care Trust Fund to the Uncompensated Care Trust Fund for the purpose of making revenues available for the uncompensated care pool during hospital fiscal year 2007. This schedule shall make the transfers in increments

considered appropriate to meet the cash flow needs of the commonwealth and said uncompensated care pool. The transfers shall not begin before October 1, 2005, and shall be completed on or before June 30, 2006.

SECTION 121. Notwithstanding any general or special law to the contrary, the state comptroller shall transfer $25,000,000 from the General Fund to the commonwealth health insurance connector, established under chapter 176Q of the General Laws, for administrative and operating expenses of the connector, including, but not limited to, marketing efforts associated with educating and increasing the awareness of uninsured residents of the commonwealth as to their options for becoming insured through the connector.

SECTION 122. Notwithstanding any general or special law to the contrary, during fiscal years 2007, 2008, and 2009, the executive office of health and human services shall reimburse certain publicly operated or public-service hospital entities operated by the Cambridge public health commission and the Boston Medical Center Corporation, respectively, providing Title XIX reimbursable services, directly, or through contracts with hospitals under an agreement with the executive office, at levels consistent with their net supplemental payments of $287,000,000 in fiscal year 2006. For fiscal year 2007, the executive office shall hold harmless this amount of $287,000,000 in funding by allocating $200,000,000 in net supplemental payments from the Commonwealth Care Trust Fund and by increasing actuarially sound rates by not less than an additional $87,000,000 for certain publicly operated or public-service hospital entities operated by the Cambridge public health commission and the Boston Medical Center Corporation. For fiscal year 2008, subject to appropriation, the executive office shall hold harmless said amount of $287,000,000 in funding by allocating $180,000,000 in net supplemental payments from the Commonwealth Care Trust Fund and by increasing actuarially sound rates to the maximum extent allowable and eligible for financial participation, including the balance from other financing mechanisms, such as direct supplemental payments for certain publicly operated or public-service hospital entities operated by the Cambridge public health commission and the Boston Medical Center Corporation. For fiscal year 2009, subject to appropriation, the executive office shall hold harmless said amount of $287,000,000 in funding by allocating $160,000,000 in net supplemental payments from the Commonwealth Care Trust Fund and by increasing actuarially sound rates to the maximum extent allowable and eligible for financial participation, including the balance from other financing mechanisms, such as direct supplemental payments for certain publicly operated or public-service hospital entities operated by the Cambridge public health commission and the Boston Medical Center Corporation. Twenty-five per cent of the payments in fiscal years 2008 and 2009 shall be made in accordance with criteria established before each fiscal year by the secretary, in collaboration with said entities, based on the following 3 criteria: (a) the success of each entity in enrolling uninsured patients into said plans, including the commonwealth care health insurance program, other publicly funded health programs, or private insurance plans offered through the commonwealth health insurance connector; (b) reasonable progress made

in minimizing the number of individuals utilizing the uncompensated care pool, or any successor thereto, and recognizing that some individuals will be ineligible for the new coverage options under this act; and (c) the submission of a written plan detailing the use of the supplemental funds. The criteria in clauses (a), (b), and (c) shall be established in collaboration with the entities and will be contingent on the administration's execution of the health care reform implementation plan established in section 132 of this act. Payments for fiscal year 2007 shall be made in full in equal monthly payments. In fiscal years 2008 and 2009, payments for 75 per cent of the supplemental funding amount shall be made to the entities on an equal monthly basis, and payments for the remaining 25 per cent shall be paid on a quarterly basis within 30 days after the entities submit data that reflects these requirements of each entity or hospital.

SECTION 123. Notwithstanding any general or special law to the contrary, from July 1, 2006 through June 20, 2009, the executive director of the commonwealth health insurance connector shall collaborate with the secretary of health and human services and the commissioner of insurance to ensure that only Medicaid managed care organizations, that have contracted with the commonwealth as of July 1, 2006 to deliver such managed care services, receive premium assistance payments from the commonwealth care health insurance program, under chapter 118H of the General Laws, for the purposes of enrolling low-income individuals, but any organization referenced in section 28 of chapter 47 of the acts of 1997 may offer health benefit plans through the commonwealth care health insurance program, through the connector. Such organizations shall be considered carriers and the contracts offered by such organizations shall be considered health benefit plans. If the total enrollment among all Medicaid managed care organizations does not total 40,000 enrollees as of June 30, 2007, or 12 months after enrollment in that program is implemented, whichever is later, and 80,000 enrollees as of June 30, 2008, or 24 months after enrollment in that program is implemented, whichever is later, as defined in section 1 of chapter 118H of the General Laws, the director may allow non-Medicaid managed care organizations to apply to the commonwealth health insurance connector in order to receive premium assistance for the purposes of maximizing health insurance coverage in the commonwealth. The director shall collaborate with the secretary of health and human services and the group insurance commission to implement a methodology for the purposes of adjusting for variations in clinical risk among populations served by each of the commonwealth health insurance connector contractors. Adjustments to final payments to each of the contractors for a contract year shall be made in accordance with the risk adjustment methodology.

SECTION 124. Notwithstanding any general or special law to the contrary, in hospital fiscal year 2007, the division of health care finance and policy may administer, as provided in this section, the Uncompensated Care Trust Fund, established by section 18 of chapter 118G of the General Laws, to collect assessments as specified in this section for deposit to the fund, and to make certain payments to acute hospitals and community health centers from the uncompensated care pool to offset the costs of services provided to uninsured or low income residents. The division and the executive office of health and human

services may promulgate regulations to implement this section.

The division, in consultation with the executive office, shall ensure that assessment liability to the fund and payments from the uncompensated care pool are structured in a manner to secure for the General Fund the maximum allowable federal reimbursement under Title XIX, XXI, or any successor federal law.

In hospital fiscal year 2007, the total liability of all acute care hospitals to the fund shall be $160,000,000. The division shall calculate an assessment percentage rate by dividing $160,000,000 by the projected annual aggregate private sector charges in the fiscal year for all acute care hospitals. Each acute care hospital's liability to the fund shall be equal to the product of the percentage rate and its private sector charges.

In hospital fiscal year 2007, the total surcharge liability of surcharge payers to the Uncompensated Care Trust Fund shall be $160,000,000. The surcharge amount for each surcharge payer shall be equal to the product of: (a) the surcharge percentage, and (b) the amounts paid for services of an acute hospital or ambulatory surgical center by each surcharge payer. The division shall calculate the surcharge percentage by dividing $160,000,000 by the projected annual aggregate payments subject to surcharge, as the term "payment subject to surcharge" is defined in said section 1 of said chapter 118G.

All Title XIX federal financial participation revenue generated by hospital payments funded by the Uncompensated Care Trust Fund, whether the payments are made by the division or the executive office, shall be credited to the General Fund.

All hospital payments made under this section shall be subject to federal approval and conditioned on the receipt of full federal financial participation. All such payments shall be established under Title XIX of the Social Security Act, or any successor federal law, any regulations promulgated thereunder and the commonwealth's Title XIX state plan.

The division shall calculate an annual payment liability from the uncompensated care pool to each acute care hospital for fiscal year 2007. In determining the liability amount, the division shall:—

(a)(1) calculate the projected allowable uncompensated care charges for each hospital using the best and latest available data on allowable uncompensated care reported by the hospital times its ratio of costs to charges for pool fiscal year 2006; and

(2) take into account such factors as the financial burden of hospitals that provide proportionately the largest volume of free care and the situation of any free-standing pediatric hospital with a disproportionately low volume of Title XVIII payments; and

(b) allocate the available funds in a manner that pays to each hospital the highest possible fixed percentage of its projected free care costs for hospital fiscal year 2007, as determined by the division using prior year data and considering the total funds available for the purpose. This fixed percentage shall not be less than 85 per cent of free care costs, as defined in said section 1 of said chapter 118G, for the 2 disproportionate share hospitals with the highest relative volume of free care costs in hospital fiscal year 2004, and not less than 88 per cent of free care costs, as defined in said section 1 of said chapter 118G, for the 14 acute hospitals with the next-highest relative volume of free care costs in that year. In order

to identify these 16 hospitals, the division shall rank all hospitals based on the percentage of each hospital's free care costs divided by the total free care costs of all hospitals in the commonwealth. All other acute care hospitals shall receive the highest possible percentage of free care costs given available remaining funds. The hospital fiscal year 2007 annual liability amount to each hospital shall be funded by the trust fund. This liability may be satisfied through either a disproportionate share payment or an adjustment to Title XIX service rate adjustment payment, or a combination thereof, under the terms provided for in an agreement entered into by an acute care hospital and the executive office. The comptroller, in consultation with the division and the executive office, shall transfer funds from the trust fund to the executive office for the purpose of the Title XIX service rate adjustment payments.

The executive office may use other federally permissible funding mechanisms available for publicly operated hospitals and hospitals with an affiliation with a publicly operated health care entity to reimburse up to $70,000,000 of uncompensated care costs at the hospitals using sources distinct from the funding made available to the trust fund under this section.

The executive office shall make payments from the uncompensated care pool for services provided by community health centers to low income residents. The executive office shall structure such payments to maximize allowable federal reimbursement under Title XIX. Under section 117 of chapter 140 of the acts of 2003, all Title XIX federal financial participation revenue generated by community health center payments funded by the Uncompensated Care Trust Fund, whether the payments are made by the division or the executive office, shall be deposited into the General Fund.

In hospital fiscal year 2007, $550,000,000 from the trust fund shall be credited to the uncompensated care pool for payments to acute hospitals provided for in this section, provided that, of this amount, $70,000,000 shall be used to reimburse uncompensated care costs at the 2 disproportionate share hospitals, as defined by section 1 of chapter 118G of the General Laws, with the highest relative volume of free care costs for hospital year 2007, as determined by the division of health care finance and policy. In addition, $56,000,000 from the trust fund shall be credited to the pool for payments to community health centers provided for in this section and $4,000,000 shall be credited for administrative expenses, including demonstration projects under sections 21 and 22 of chapter 47 of the acts of 1997, as amended by sections 156, 157, and 158 of chapter 184 of the acts of 2002.

Not later than April 1, 2007, the division of health care finance and policy, in consultation with the secretary of health and human services, shall submit to the house and senate committees on ways and means a report on a new methodology for equitably allocating free care reimbursements from the Uncompensated Care Trust Fund to hospitals and community health centers beginning in hospital fiscal year 2008.

SECTION 125. Notwithstanding any general or special law to the contrary, the division of health care finance and policy shall continue in effect and enforce 114.6 C.M.R. 12.00 regarding services eligible for payment from the Uncompensated Care Trust Fund in

effect on September 15, 2005, and promulgated under chapter 118G of the General Laws.

SECTION 126. Section 125 of this act is hereby repealed.

SECTION 127. It shall be the policy of the general court to impose a moratorium on all new mandated health benefit legislation until the latter of either January 1, 2008, or until the division of health care finance and policy has concluded review of, and published results from, a comprehensive review of mandated health benefits in effect on January 1, 2006.

SECTION 128. Notwithstanding any general or special law to the contrary, in fiscal year 2007, $90,000,000 shall be made available from the Commonwealth Care Trust Fund, established by section 2OOO of chapter 29 of the General Laws, to pay for an increase in the Medicaid rates paid to acute hospitals, as defined in section 1 of chapter 118G of the General Laws, and physicians, provided that not less than 15 per cent of the increase be allocated to rate increases for physicians; provided further, that in fiscal year 2008, an additional $90,000,000, for a total of $180,000,000, shall be made available from the Commonwealth Care Trust Fund to pay for an increase in the Medicaid rates paid to acute hospitals, as defined in section 1 of chapter 118G of the General Laws, and physicians, provided that not less than 15 per cent of the increase be allocated to rate increases for physicians; and provided further, that in fiscal year 2009, an additional $90,000,000, for a total of $270,000,000, shall be made available from the Commonwealth Care Trust Fund to pay for an increase in the Medicaid rates paid to acute hospitals, as defined in said section 1 of said chapter 118G, and physicians, provided that not less than 15 per cent of the increase be allocated to rate increases for physicians.

SECTION 129. The secretary of health and human services shall conduct a study to determine the costs of allowing primary care givers to obtain MassHealth benefits if they care for, on a full-time basis, elderly parents or immediate family members who are disabled. The secretary shall submit the report to the joint committee on health care financing and the house and senate committees on ways and means no later than July 1, 2007.

SECTION 130. Notwithstanding any general or special law to the contrary, the president of the university of Massachusetts, upon the recommendation of the chancellor of the Worcester campus that resources are available from the unrestricted non-appropriated revenues received by said campus from the license agreements and services it provides to third parties, may make a payment to the General Fund of an amount representing all or part of the support provided by the commonwealth for the fringe benefits of university employees paid from state appropriated funds as such were determined for the Worcester campus for the fiscal years 1993 and 1994 under the September 22, 1992 memorandum of understanding between the secretary of administration and finance and said chancellor. These amounts may include support of the benefits provided by the state retirement system and/or the group insurance commission. The president shall notify the comptroller of the university's commitment to make such payments and these payments shall become obligations of the university upon notification.

SECTION 131. Notwithstanding any general or special law to the contrary, the president of the university of Massachusetts, upon the recommendation of the chancellor of the Worcester campus that resources are available from the unrestricted non-appropriated revenues received by said campus for the services it provides to third parties, may make a payment to the General Fund of an amount representing all or part of the capital appropriations made available to the university by the commonwealth in the prior fiscal year. The president shall notify the comptroller of the university's commitment to make such payments and such payments shall become obligations of the university upon such notification.

SECTION 132. Notwithstanding any general or special law to the contrary, the executive office of health and human services shall develop, in coordination with other appropriate state agencies, an implementation plan and corresponding timeline detailing monthly action steps toward implementing the health care reform legislation and progress projected and made toward reducing the uninsured in the commonwealth. Said implementation plan shall be developed in concert with stakeholders, including consumers, health care providers, health insurers including the Medicaid managed care organizations, and advocacy and business organizations, and shall be reported to the speaker of the house, the senate president, the joint committee on health care financing and the house and senate committees on ways and means within 60 days of the effective date of this act. Said report shall be updated bi-monthly thereafter. Said plan shall include all regulatory and operational aspects delineated in this act, including but not limited to:—

(a) the projected and actual monthly health insurance enrollment targets by coverage type including Medicaid coverage, newly available subsidized private insurance products for individuals up to 300 per cent of the federal poverty level, private insurance products for individuals available for individuals over 300 per cent of the federal poverty level and how such progress reduces the uninsured in the commonwealth;

(b) health insurance market reforms, including the availability of affordable insurance products;

(c) the implementation and timetable for Medicaid expansions, including the uncapping of current Medicaid enrollment caps;

(d) the development and approval of new subsidized private insurance products for the uninsured up to 300 per cent of the federal poverty level;

(e) the establishment of the connector;

(f) the development of a collaborative marketing and outreach plan, that includes an emphasis on consumer and business education and linguistic diversity of target populations, with accompanying budget and implementation timeline;

(g) the development of the program of sliding-scale premium assistance and collection processes;

(h) detailed implementation plan on how current uncompensated care pool eligible individuals, as determined by the Virtual Gateway process, can be considered eligible for automatic enrollment in new subsidized private insurance products;

(i) the timeline and public process regarding any proposed regulations on the uncompensated care pool;

(j) an electronic connection and other collaborative processes between the executive office of health and humans services' Virtual Gateway public health care eligibility system and the connector to facilitate enrollment in new health insurance products available for premium assistance;

(k) a collaborative planning and implementation process with the Medicaid managed care organizations, including those operated by Cambridge public health commission and Boston Medical Center Corporation, to facilitate any enrollment targets into the new subsidized private insurance products;

(l) collaborative planning and procedures including safety net systems developed in concert with health care providers, including Cambridge public health commission, Boston Medical Center Corporation and other disproportionate share hospitals, community and teaching hospitals and community health centers to undertake analyses of their respective current uncompensated care pool-approved members within their health systems and health plan networks and devise implementation plans to foster expeditious enrollment in new subsidized private insurance products for the uninsured up to 300 per cent of the federal poverty level; and

(m) a detailed implementation schedule of the rate payments authorized in this act for acute care hospitals, community health centers and physicians participating in the Medicaid program in fiscal years, 2007, 2008, and 2009, respectively.

SECTION 133. On or before August 1, 2006, the executive director of the commonwealth health insurance connector shall submit to the board of the connector a plan of operation and any recommendations for amendments to chapter 176Q of the General Laws or other general laws to assure the fair, reasonable and equitable administration and the effective operation of the connector that is consistent with said chapter 176Q and any other applicable laws and regulations.

SECTION 134. The department of labor and the division of health care finance and policy shall jointly report, on or before July 1, 2007, on the implementation and impact of the fair share employer assessment, established by section 188 of chapter 149 of the General Laws, including, but not limited to, the number of employers in the commonwealth subject to the assessment, the impact of the assessment on the number of uninsured workers and the impact of the assessment on using services reimbursed from the health safety net fund. The report shall be filed with the joint committee on health care financing and the house and senate committees on ways and means.

SECTION 135. Notwithstanding any general or special law to the contrary, only for the hospital rate year commencing October 1, 2007, hospitals may appeal to the division of health care finance and policy to receive Medicaid hospital rate increases without meeting the quality standards and achieving performance benchmarks established by the executive office of health and human services under section 13B of chapter 118E.

SECTION 136. The website to be established pursuant to section 16L of chapter 6A of the General Laws shall be operational not later than July 1, 2006 and shall include, at a minimum, links to other internet sites that display comparative cost and quality information. Not later than January 1, 2007, the internet site shall, at a minimum, include comparative cost information by facility and, as applicable, by clinician or physician group practice for obstetrical services, physician office visits, high-volume elective surgical procedures, high-volume diagnostic tests and high-volume therapeutic procedures. Cost information shall include, at a minimum, the average payment for each service or category or service received by each facility, clinician or physician practice on behalf of insured patients. Cost information shall be aggregated for all insurers and the council shall not publicly release the payment rates of any individual insurer which shall not be deemed to be public record.

SECTION 137. Notwithstanding any general or special law to the contrary, the terms of the initial members of the public health council, established by section 3 of chapter 17 of the General Laws, to be appointed on February 1, 2007, shall be as follows: 3 providers and 3 non-providers shall serve initial terms of 3 years, and the remaining providers and non-providers shall serve initial terms of 6 years, as designated by the commissioner of public health.

SECTION 138. Notwithstanding any special or general law to the contrary, the terms of the initial appointed members of the board of the commonwealth health insurance connector, established by section 2 of chapter 176Q, to be appointed by July 1, 2006, shall be as follows: the governor shall designate 3 appointed members for a term of 3 years; 3 appointed members for a term of 4 years; and 2 appointed members for a term of 5 years.

SECTION 139. Notwithstanding any general or special law to the contrary, no eligible individual shall be eligible for a health benefit plan offered in chapter 176J on any date prior to July 1, 2007.

SECTION 140. Sections 15, 17, 26, 27, 29, and 103 shall take effect on July 1, 2006.

SECTION 141. Sections 19, 20, 45, and 47 shall take effect on October 1, 2006.

SECTION 142. Sections 48, 49, 50, 52, 55, 59, 62, 63, 66, 69, 70, 76, 78, 82, 84, and 87 shall take effect on January 1, 2007.

SECTION 143. Section 5 shall take effect on February 1, 2007.

SECTION 144. Sections 60A, 64, 65, 76, 86, and 90 shall take effect on April 1, 2007.

SECTION 145. Sections 12, 21, 23, 68, 72, 74, 85, 88, 89, 127, and 128 shall take effect on July 1, 2007.

SECTION 146. Sections 25, 28, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 43, and 126 shall take effect on October 1, 2007.

SECTION 147. Sections 6A, 13, 18, 51, 54, 57, and 61 shall take effect on January 1, 2008.

This bill was returned on April 12, 2006, by the Governor to the House of Representatives, the branch in which said bill was originated, with His objections in writing to the following items therein:

Items Disapproved:
SECTIONS 5, 27, 29, 47, 112, 113, 134, and 137.

The remainder of the bill was approved by the Governor on April 12, 2006 at twelve o'clock and zero minutes, P.M.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on April 12, 2006 the House of Representatives and on May 4, 2006 the Senate passed the following Items:
SECTIONS 5, 29, 47, 113, 134, and 137.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on April 25, 2006 the House of Representatives and on May 24, 2006 the Senate passed the following Item:
SECTION 27.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on April 25, 2006 the House of Representatives and on June 15, 2006 the Senate passed the following Item:
SECTION 112.

Chapter 59. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF EAST BRIDGEWATER AS THE CPL. GORDON M. CRAIG BRIDGE.

Be it enacted, etc., as follows:

Bridge No. E01-002 on state highway route 18 in the town of East Bridgewater shall be designated and known as the Cpl. Gordon M. Craig Bridge, in honor of Cpl. Gordon M. Craig a Medal of Honor recipient who sacrificed his own life to save 4 soldiers in Korea. The department of highways shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department.

Approved April 13, 2006.

Chapter 60. AN ACT PROVIDING FOR ALTERNATE MEMBERS ON THE COMMUNITY DEVELOPMENT BOARD OF THE CITY OF METHUEN.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 550 of the acts of 1978, as amended by chapter 194 of the acts of 1990, is hereby further amended by adding the following 2 sentences:- The city council of the city of Methuen may by ordinance provide for 2 alternate members of the community development board. The alternate members may be designated by the chairman of the community development board to sit on the board in the event of absence, inability to act, or conflict of interest on the part of any board members, or, in the event of a vacancy on the board until the vacancy is filled in accordance with the Methuen home rule charter.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 2006

Chapter 61. AN ACT RELEASING CERTAIN LAND IN THE CITY OF NORTHAMPTON FROM THE OPERATION OF AN AGRICULTURAL PRESERVATION RESTRICTION.

Be it enacted, etc., as follows:

SECTION 1. Pursuant to section 32 of chapter 184 of the General Laws and notwithstanding any other general or special law to the contrary, the commissioner of agricultural resources may release a portion of the agricultural preservation restriction dated June 9, 1983, recorded in Hampshire county registry of deeds at Book 2400, Page 10, said portion being more particularly described as follows: a certain parcel of land in the city of Northampton, located on the westerly side of Florence Road, shown on a plan of land entitled, "Revised Plan of Land in Northampton, Mass., Prepared for C-54 Memorial" by Robert J. LaBarge Sr., dated April 24, 2000, and recorded in Hampshire county registry of deeds, plan book 187, page 41. The parcel is more particularly bounded and described as follows:

Beginning at an iron pipe located on the westerly side of said Florence Road, said iron pipe being the northeasterly corner of the parcel conveyed hereby; thence South 21 degrees, 52 feet, 12 inches West along said Florence Road a distance of 58.44 feet to an iron pipe; thence turning and running North 63 degrees, 17 feet, 23 inches West a distance of 40.95 feet to an iron pipe; thence turning and running North 23 degrees, 16 feet, 47 inches East a distance of 58.33 feet to an iron pipe; thence turning and running South 63 degrees, 17 feet, 23 inches East a distance of 39.51 feet to the iron pipe at the place of the beginning, the last three courses along land of Adams Farm Realty Trust, containing 2,343 square feet of land.

SECTION 2. The above-described parcel shall only be used to build a memorial exhibit in honor of the Army Air Force personnel who died in the crash of a C-54 aircraft on the land covered by the restriction on May 13, 1948. Construction of the memorial shall be supervised by the department of veteran's services in the city of Northampton. If the parcel is sold or transferred to an entity or person for purposes other than the memorial or ceases to be used for the memorial by the current or future owner the agricultural preservation restriction shall be reimposed on the parcel unless said restriction has been released or discharged by the commonwealth in its entirety in the interim.

SECTION 3. Except as partially released by this act, the above-referenced agricultural preservation restriction shall remain in full force and effect.

SECTION 4. This act shall take effect upon its passage.

Approved April 13, 2006.

Chapter 62. AN ACT REGULATING ACCESS TO STUDENT RECORDS.

Be it enacted, etc., as follows:

SECTION 1. Section 34H of chapter 71 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out subsections (a), (b) and (c) and inserting in place thereof the following 3 subsections:-

(a) Each public elementary and secondary school shall provide student records, including, but not limited to, the following information, in a timely and appropriate manner to the parents of a child enrolled in the school if the parents are eligible for information under this section and request the information in the manner set forth in this section: report cards and progress reports; the results of intelligence and achievement tests; notification of a referral for a special needs assessment; notification of enrollment in an English language learners program established under chapter 71A; notification of absences; notification of illnesses; notification of any detentions, suspensions or expulsion; and notification of permanent withdrawal from school. Each school shall also make reasonable efforts to ensure that other written information that is provided to the custodial parent but not specified in the preceding sentence be provided to the requesting parent if that parent is eligible for information under this section. All electronic and postal address and telephone number information relating to either the work or home locations of the custodial parent shall be removed from information provided under this section. Receipt of this information shall not mandate participation in any proceeding to which notification pertains, nor shall it authorize participation in proceedings and decisions regarding the child's welfare which are not granted through the award of custody. For purposes of this section, any parent who does not have physical custody of a child shall be eligible for the receipt of information unless: (1) the parent's access to the child is currently prohibited by a temporary or permanent protective

order, except where the protective order, or any subsequent order which modifies the protective order, specifically allows access to the information described in this section; or (2) the parent is denied visitation or, based on a threat to the safety of the child, is currently denied legal custody of the child or is currently ordered to supervised visitation, and the threat is specifically noted in the order pertaining to custody or supervised visitation. All such documents limiting or restricting parental access to a student's records or information which have been provided to the school or school district shall be placed in the student's record.

(b) A parent requesting information under this section shall submit a written request to the school principal.

(c) Upon receipt of a request for information under this section, the school shall review the student record for any documents limiting or restricting parental access to a student's records or information which have been provided to the school or school district and shall immediately notify the custodial parent of the receipt of the request. Notification must be made by certified mail and by first class mail in both the primary language of the custodial parent and in English. The notification shall also inform the custodial parent that information requested under this section shall be provided to the requesting parent after 21 days unless the custodial parent provides to the principal of the school documentation of any court order which prohibits contact with the child, or prohibits the distribution of the information referred to in this section or which is a temporary or permanent order issued to provide protection to the child in the custodial parent's custody from abuse by the requesting parent unless the protective order or any subsequent order which modifies the protective order, specifically allows access to the information described in this section.

SECTION 2. Said section 34H of said chapter 71, as so appearing, is hereby further amended by striking out subsection (d).

SECTION 3. Said section 34H of said chapter 71, as so appearing, is hereby further amended by striking out subsection (g).

Approved April 13, 2006.

Chapter 63. AN ACT PROVIDING REMEDIES TO CONSUMERS FOR CLEARING TITLE AFTER PAYOFF OF MORTGAGES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 183 of the General Laws is hereby amended by striking out section 54, as appearing in the 2004 Official Edition, and inserting in place thereof the following section:-

Section 54. (a) For the purposes of sections 54 to 55, inclusive, the following words, unless the context otherwise requires, shall have the following meanings:-

"Authorized person", a person authorized to act on behalf of another person by a written document signed by the person on whose behalf the person authorized thereby is acting. A photocopy, facsimile or scanned image of such document accompanying a request, demand or notice pursuant to sections 54 to 55, inclusive, may be relied upon by any recipient thereof acting in good faith.

"Bank confirmation of wire transmission", for wired funds, a written confirmation of the same issued by the bank or other institution transmitting payment, including a written print-out by facsimile or other electronic transmission, that recites the beneficiary account number and other payee information prescribed in a payoff statement.

"Discharge", a duly executed and acknowledged deed of release of a mortgage or other written instrument that, by its terms, discharges or releases a mortgage or the lien thereof or acknowledges payment or satisfaction of a mortgage or the debt or obligation secured by a mortgage or the conditions therein contained, or, in the case of a partial release, a duly executed and acknowledged instrument that, by its terms, discharges or releases a mortgage or the lien thereof from less than all of the property encumbered by the mortgage.

"Mortgagee", the holder of record of a mortgage; but, if the mortgage was properly assigned of record, mortgagee shall mean the last person to whom the mortgage was so assigned.

"Mortgage servicer", the last person servicing a mortgage loan who is required under section 54D to provide a payoff statement with respect to the mortgage loan, whether or not appearing of record as the mortgagee.

"Mortgagor", a grantor of a mortgage, the grantor's heirs, successors or assigns, or any other person who is an obligor of a note or other obligation secured by a mortgage.

"Note holder", the holder of a note evidencing a debt or any other obligation secured by a mortgage; but, if the note holder is not the holder of record of the mortgage, the note shall contain the appropriate endorsements evidencing the transfer of ownership thereof to said holder.

"Payoff statement", a statement in writing, including a written print-out by facsimile or other electronic transmission, issued at the request of the mortgagor or an authorized person on his behalf by a mortgagee, mortgage servicer or note holder indicating the amount of the unpaid balance of the mortgage loan, including principal, interest and other charges assessed pursuant to the mortgage loan, which may include the interest on a per diem basis with respect to the unpaid principal balance of the mortgage. A payoff statement shall include, where the context permits, a statement provided to the mortgagor or an authorized person on his behalf by a mortgagee, mortgage servicer or note holder, indicating the amount of the unpaid balance of the mortgage loan or other obligation that must be paid in order to issue a partial release of a mortgage.

"Person", an individual, corporation, limited liability company, business trust, testamentary trust, partnership, association, joint venture, government, governmental subdivision or agency or other legal entity.

"Recordation", "recording" or "recorded", a recording with the registry of deeds in accordance with this chapter, or registration with the registry district of the land court in accordance with chapter 185.

"Recording information", the date of recording or filing of an instrument or document at a registry of deeds or registry district of the land court, and the applicable book number and page number, or the land court document number, as assigned by the register of deeds or assistant recorder of the land court.

"Servicing", the receipt by a mortgage servicer of scheduled periodic payments and payoff monies from a mortgagor on a mortgage loan, and the allocation of the payments to principal, interest, municipal real estate taxes and other appropriate assessments and charges, all pursuant to the terms of the loan.

(b) A mortgage may be discharged by 1 of 2 or more joint holders of a mortgage or the mortgagee, mortgage servicer or note holder, or an heir, executor, administrator, successor or assignee thereof, but, the discharge shall comply with the requirements of subsection (b) of section 55. The discharge shall have the same effect as a deed of release, and may be recorded when duly executed and acknowledged or on proof of its execution in accordance with sections 34 to 41, inclusive, or on such other proof of its due execution by credible evidence in the form of corroborating documents or affidavits establishing the authenticity of the discharge and the execution thereof and, in that case, the discharge and the corroborating documents or affidavits may be recorded along with or as exhibits to an affidavit under section 5B that refers to the documents or affidavits. The recordation of a duly executed and acknowledged or proven discharge as provided herein shall be conclusive evidence that the mortgage has been discharged, notwithstanding the fact that the party signing the instrument may have assigned the note or other evidence of debt to another party, unless the assignment had been duly recorded before the instrument discharging the mortgage. If a discharge is executed by a person who is not the holder of record at the time the discharge is recorded, the recorded discharge shall become conclusive when an assignment of mortgage from the then record holder or holders to that person is thereafter recorded. A discharge shall contain the street address of the mortgaged property, the book number and page number or the land court document number and recording date of the mortgage, and the name of the original mortgagor; but, the failure to include the information shall not affect the validity of the instrument. This section shall apply notwithstanding section 3-116 of chapter 106.

SECTION 2. Said chapter 183 is hereby further amended by striking out section 54B, as so appearing, and inserting in place thereof the following section:-

Section 54B. A deed of release or written acknowledgment of payment or satisfaction of the debt thereby secured, or a release, partial release or assignment of mortgage, or an instrument of subordination, non-disturbance, recognition, or attornment by the holder of a mortgage, or a power of attorney for the purpose of foreclosing a mortgage held by any such holder and executing any instrument necessary for that purpose, executed before a notary public, justice of the peace or other officer entitled by law to acknowledge

instruments, whether executed within or without the commonwealth, by a person purporting to hold the position of president, vice president, treasurer, clerk, secretary, cashier, loan representative, principal, investment, mortgage or other officer, agent, asset manager, or other similar office or position, including assistant to any such office or position, of the entity holding record title thereto on behalf of such entity acting in its own capacity or as a general partner or co-venturer of the entity holding record title, shall be binding upon such entity and shall be entitled to be recorded or filed, and no vote of the entity affirming such authority shall be required to permit recording of filing.

SECTION 3. Said chapter 183 is hereby further amended by striking out section 54C, as so appearing, and inserting in place thereof the following 2 sections:-

Section 54C. (a) The recordation of a duly executed and acknowledged or proven discharge by a mortgagee, mortgage servicer or note holder shall constitute a discharge of the mortgage and a release of the lien created by the mortgage on the mortgaged premises; provided, however, that a discharge executed by a mortgage servicer or note holder who is not the holder of record of such mortgage, but which discharge is not accompanied by the supporting documents required in subsection (b) of section 55 will operate as a discharge and release of lien as aforesaid only as to a mortgage encumbering a 1-to-4-family residential property and only where the discharge is accompanied or supplemented by the following:

(1) In the case of a mortgage servicer, an original or photostatic copy of the servicing agreement, power of attorney, servicing notice letter to the borrowers, written payoff statement issued to a mortgagor, closing attorney or settlement agent, including a payoff statement issued by facsimile or other electronic transmission, or other document evidencing the authority of the mortgage servicer to service the mortgage, which, if not already of record before the recording of the discharge, shall be duly recorded together with the discharge, or recorded after the discharge but attached to an affidavit pursuant to section 5B, which affidavit shall contain the recording information for the mortgage that is the subject of the discharge as well as for the discharge itself and which shall be indexed under the name of the mortgagors named in the mortgage and discharge. If the authority document contemplated by this section is a copy rather than an original, it shall contain or be accompanied by a certification by the mortgagee, mortgage servicer or note holder that it is a true copy of the original document or a certification by an attorney licensed to practice law in the commonwealth, who has seen an original of the document, that it is a true copy of the document. For purposes of this section, an original printout of a facsimile or other electronic transmission addressed to an attorney licensed to practice law in the commonwealth, or to the attorney's law firm, shall constitute an original document and may be recorded if certified by the attorney to be an original printout or, if a photostatic copy of the printout, it is certified by said attorney, either on the copy or in an accompanying affidavit, that it is a true copy of the original printout.

(2) In the case of a note holder who is not the holder of record of the mortgage, an original or photostatic copy of the note, with the endorsements thereon evidencing the trans-

fer of ownership of the note to the holder, shall be duly recorded as an exhibit to the discharge or, if recorded after the discharge, the note shall be recorded as provided in subsection (h) of section 55 and marginally referenced to the discharge. If a copy of the note is recorded, the copy shall contain or be accompanied by a certificate duly executed and acknowledged by the note holder, that it is a true copy of the original document or be accompanied by an affidavit by an attorney at law licensed to practice in the commonwealth that the attorney has seen the original note with the endorsements thereon and the copy being recorded is a true copy thereof.

(3) In the absence of the supporting documents referred to in paragraphs (1) and (2), said discharge may be effected by the recording of:

(i)(A) an affidavit executed under the penalties of perjury by any mortgagor affirming the inability to obtain any of the documents, the payments made and the reasons why the payments were made to such mortgage servicer or note holder, and attaching thereto evidence of the payments in the form of 1 or more billing statements, a written payment history, annual principal and interest payment statement or other written acknowledgment of payment from the servicer or note holder; or

(B) in the event the mortgagor is no longer the record owner of the premises and cannot be located, an affidavit executed under the penalties of perjury by an owner of record for more than 1 year, other than the mortgagor, who purchased the premises subsequent to the recording of the mortgage, and whose recorded deed made no reference to the mortgage remaining outstanding, stating that the owner purchased the premises in good faith and for value in the belief that the premises were not encumbered by the mortgage; that the owner has not made any payments on account of the mortgage; and that no claims have been made against the owner under the mortgage subsequent to the purchase, and

(ii) an affidavit executed by an attorney licensed to practice law in the commonwealth who, pursuant to a payoff statement from the mortgage servicer or note holder, transmitted funds to the mortgage servicer or note holder sufficient to satisfy in full the outstanding balance of the loan secured by the mortgage or who has ascertained that the payment was made pursuant to a written payoff statement issued to another closing attorney or settlement agent, which affidavit shall certify that:

(A) neither the documents referred to in paragraphs (1) or (2) nor a confirmatory discharge duly executed and acknowledged by the mortgagee have been received, despite a written demand therefor sent by registered or certified mail to the servicer or note holder and the mortgagee at their last known addresses at least 30 days before the date of the affidavit;

(B) the written demand described the circumstances under which the payment in full of the outstanding balance of the mortgage loan in accordance with the payoff statement occurred and provided copies of any documentary evidence thereof; and

(C) the written demand informed the servicer or note holder and the mortgagee that, absent objection received in writing by certified mail within 30 days after the postmark date of the written demand, the affidavits authorized by this subsection will be recorded and will conclusively discharge the mortgage; and

(D) no written objection was received by the affiant within 30 days after the postmark date.

(b) If a document authorized or required to be recorded pursuant to this section contains any personal identifier numbers, such as social security or tax identification numbers, or any financial account numbers, such as checking, savings or investment account numbers, the numbers may be whited out, blackened out or otherwise obliterated so as to become illegible and the document shall be entitled nonetheless to recording, so long as the obliteration does not appear to substantially alter or change the content, tenor or nature of the document.

Section 54D. (a) Upon request of 1 or more obligors on a mortgage note, or an authorized person on behalf thereof, a mortgagee, mortgage servicer or note holder who is receiving payments under a mortgage note or other financial obligation secured by a mortgage described in the payoff request shall provide a written payoff statement sufficient to enable the mortgagor or the authorized person to conclusively make full payment of the outstanding indebtedness under the mortgage note or other financial obligation as of a certain payment date, which shall be specified in the request and which shall be no more than 30 days from the date of the request. The payoff request shall be made in writing but the writing may be provided by facsimile or other electronic forms of transmission as may be requested or authorized by the party from whom the payoff is being requested.

(b) The payoff statement shall be provided to the requesting party within 5 business days of receipt of the request and shall be in written form transmitted to the requesting party by such means as shall ensure receipt by the requesting party within such time period, including facsimile or other electronic transmission, if the request contained the telephone numbers, mailing addresses, electronic mail addresses or other information necessary to enable the provider of the payoff statement to respond within such time period. If only a mailing address is provided, the transmittal of the payoff statement need only be mailed and postmarked within such time period, unless overnight delivery is requested of or chosen by the provider of the payoff statement, in which case the provider of the payoff statement shall deliver the payoff statement to an overnight delivery service within such time period. Unless prohibited by law or the respective loan documents, the payoff statement provider may charge a reasonable fee for the cost of delivery of the payoff statement and the fee may be added to the payoff amount.

(c) The payoff statement shall specify an amount certain, as of the payment date specified in the payoff request, that will pay off any and all indebtedness secured by the mortgage, or a lesser amount as will be sufficient to obtain a partial release of the mortgage, if the requesting party so indicates. The payoff statement shall also include a specific amount of any additional payment which may be due or a specific formula or method for calculating the specific amount that may be due, such as by reference to a per diem amount, in the event the payoff is received later than the payoff date specified in the payoff request; provided, however, that the payoff statement may condition the payoff amount, or any additional payoff amount due beyond the specified payoff date, on any escrow or other disbursements that the

mortgagee, mortgage servicer or note holder may be permitted or required under the terms of the mortgage to make between the payoff date specified in the request and 30 days thereafter; provided, further, that the payoff statement shall specify the nature, amount and anticipated payment date for the disbursements, if known or reasonably ascertainable by the mortgagee, mortgage servicer, or note holder providing the payoff statement. The mortgagee, mortgage servicer or note holder may impose a time limitation on the validity of the payoff statement of no less than 30 days from issuance. If payment is made in accordance with the payoff statement, the mortgagee, mortgage servicer or note holder receiving the payment shall be responsible for recording or providing a proper discharge of the mortgage in accordance with subsection (a) of section 55.

(d) If a mortgagee, mortgage servicer or note holder providing the payoff statement determines that the payoff amount it provided in the payoff statement was inaccurate when provided or has become inaccurate, it may provide a corrected payoff statement to the person to whom the initial payoff statement was sent. If the person receives and has a reasonable opportunity to act upon the corrected payoff statement before making payment, the corrected statement shall supersede the earlier statement. Notwithstanding the provision of a corrected payoff statement, a mortgagee, mortgage servicer or note holder who provides a payoff statement containing an erroneous payoff amount may not deny the accuracy of the payoff amount as against any person that reasonably and detrimentally relies upon the erroneous payoff amount and shall be bound by the statement for purposes of this section, section 55 and section 15 of chapter 240, provided, however, that, in the case of a mortgage securing a line of credit or future advances, the person or entity providing the payoff statement has received, either with the payoff request or on or before the payoff date specified in the payoff request, a written request signed by 1 or more obligors directing that the line of credit or right to future advances be frozen or terminated. The written request may be made by mail, overnight delivery, facsimile or such other electronic forms of transmission requested or authorized by the payoff statement provider and may be made along with the payoff request or separately. Notwithstanding the foregoing, this section shall not preclude the holder of the note or other financial obligation secured by the mortgage from recovering from the mortgagor any sums that may be due thereunder and remain unpaid, notwithstanding the omission of the sums from the payoff statement.

(e) A mortgagee, mortgage servicer or note holder who fails without reasonable cause to provide a timely payoff statement as required by this section shall be liable to the mortgagor, as that term is defined in section 54, for the greater of $500 or the mortgagor's actual damages caused by the failure, plus reasonable attorney's fees and costs.

(f) One payoff statement may be requested without charge during any 6-month period. For each additional request for a payoff statement made during such 6-month period, the person providing the statement may include therein a reasonable charge.

SECTION 4. Said chapter 183 is hereby further amended by striking out section 55, as so appearing, and inserting in place thereof the following section:-

Section 55. (a)(1) A mortgagee, mortgage servicer or note holder who receives full payment and satisfaction of the conditions of a mortgage shall, within 45 days of receipt of payment, (i) cause to be recorded a duly executed and acknowledged discharge that conforms with subsection (b) and provide to the closing attorney, settlement agent or other person transmitting the payoff a copy of the discharge, together with the recording information therefor, or (ii) provide to the closing attorney, settlement agent or other person transmitting the payoff a duly executed and acknowledged discharge, also so conforming, which documents, in either case, shall be provided to the closing attorney, settlement agent or other person, irrespective of whether the mortgagee, mortgage servicer or note holder has withheld the fee for recording the discharge. Merely providing a copy of the discharge and evidence that the discharge was sent to a registry of deeds for recording shall not constitute compliance with this section unless the recording information required herein is noted on the copy.

(2) In addition to any other requirements under this section or section 54C, if the mortgagee, mortgage servicer or note holder elects to provide the discharge to the person transmitting the payoff and that person is someone other than a closing attorney or settlement agent, the discharge shall be accompanied by a transmittal letter that contains a statement in substantially the following form, in not less than 10-point boldface type:

ENCLOSED WITH THIS LETTER IS A DISCHARGE OF YOUR MORTGAGE AND OTHER DOCUMENTATION IF NECESSARY TO SHOW THAT WE WERE THE HOLDER OF YOUR MORTGAGE WHEN IT WAS PAID. THESE ARE IMPORTANT LEGAL DOCUMENTS.

IN ORDER TO RELEASE THE MORTGAGEE FROM THE TITLE TO THE PROPERTY, YOU MUST RECORD THE DISCHARGE AND ACCOMPANYING DOCUMENTATION, IF ANY, AT THE SAME REGISTRY OF DEEDS IN WHICH YOUR DEED WAS RECORDED. ALL RECORDING FEES THAT WE ARE REQUIRED TO PAY UNDER MASSACHUSETTS LAW HAVE BEEN INCLUDED IN THE ENCLOSED CHECK. THE RECORDING FEE FOR THE DISCHARGE ITSELF, UNLESS PAID BY YOU WITH THE LOAN PAYOFF, IS YOUR RESPONSIBILITY.

IT IS IN YOUR BEST INTERESTS TO RECORD THE DISCHARGE AND ACCOMPANYING DOCUMENTATION AS SOON AS POSSIBLE. IF YOU ARE UNSURE WHAT TO DO, PLEASE SEEK THE ADVICE OF AN ATTORNEY OR A CLERK AT THE REGISTRY OF DEEDS.

(b) In addition to containing the mortgage reference information required in subsection (b) of section 54, such discharge shall be executed and acknowledged by the holder of the mortgage and the note or other obligation secured thereby or an authorized person or entity acting on behalf of the holder. If the holder is not the holder of record, the holder shall also specify by what means the holder became the holder of such mortgage and the note or other obligation secured thereby, and shall: (1) specify the recording information for the documentation on record in the registry district where the mortgage is recorded supporting the holder's status as such; or (2) record the documentation, along with the discharge, if the holder records the discharge; or (3) provide to the closing attorney, settlement agent

or other person transmitting the payoff the recordable discharge and the documentation in recordable form necessary to establish the holder's status of record, such documentation shall include, but not be limited to: the note, any assignments, certificates of change of name or certificates of merger; provided, however, that, if the holder's status as such is based upon a corporate change of name or identity by any of the actions or events described in subsection (i) and the discharge refers to those actions or events as provided in said subsection (i), then the holder need not provide or record any further documentation in support of such actions or events. If the discharge is executed on behalf of a mortgage and note holder by a mortgage servicer, an attorney-in-fact under a power of attorney or other agent, the mortgage servicer, attorney-in-fact or other agent shall, in addition to the information and documents required of the mortgage and note holder, provide to the closing attorney, settlement agent or other person transmitting the payoff the recordable discharge and the documentation in recordable form necessary to establish the authority of the agent of the mortgage and note holder to act on behalf thereof, or the recording information for the documentation if already recorded in the registry district where the mortgage is recorded. Such documentation shall include, but not be limited to the servicing agreement, power of attorney or other written authorization from the mortgage and note holder to so act on behalf thereof. Any mortgage and note holder, servicer, attorney-in-fact or other agent for the mortgage and note holder who provides to the closing attorney, settlement agent or other person transmitting the payoff the documentation, rather than recording the same and providing the recording information to such person, shall also forward to the closing attorney, settlement agent or other person all recording fees established under sections 38 or 39 of chapter 262 necessary to record the documents.

(c) (1) (i) A mortgagee, mortgage servicer, note holder who has accepted full payment and satisfaction of the conditions of a mortgage in accordance with a payoff statement issued by the mortgagee, mortgage servicer or note holder, as the case may be, and who fails to record or provide to the closing attorney, settlement agent or other person transmitting the payoff a duly executed and acknowledged discharge of that mortgage, or partial release, or to provide such supporting documents required by this section or section 54C relative to such mortgage, within 45 days after the acceptance, shall be liable in damages to the mortgagor, as that term is defined in section 54, in an amount equal to the greater of $2,500 or the actual damages sustained by the mortgagor as the result of the failure, together with reasonable attorneys fees and costs, in addition to all other remedies available at law.

(ii) The liability set forth herein shall be limited, however, to actual damages sustained by the mortgagor if, within 30 days of receipt by certified mail, in-hand delivery, or overnight delivery of a written demand from the mortgagor or an authorized person on behalf thereof, the mortgagee, mortgage servicer or note holder provides or pays as demanded, a discharge in proper form complying with this section, including the necessary supporting documentation as required by this section or section 54C, and the required recording fees, plus actual damages as the mortgagor reasonably establishes are attributable to the failure to comply with said section 54C or this section.

(2) In the event that a mortgagee, mortgage servicer or note holder required to record or provide a discharge under subsection (a) elects to comply by sending the discharge and any required supporting documentation and recording fees to the closing attorney, settlement agent or other person transmitting the payoff, such mortgagee, mortgage servicer or note holder shall have no liability under this subsection, if: (a) it can reasonably demonstrate by documentation or other evidence from its files or business records with respect to the particular mortgage that the discharge and any required supporting documentation and recording fees were sent to the closing attorney, settlement agent or other person transmitting the payoff within the prescribed time period, or (b) in the event that the records are no longer available, compliance is reasonably demonstrated by showing that the mortgagee, mortgage servicer or note holder has established reasonable procedures to achieve compliance with its obligations under this section and that the procedures are routinely followed and have become an established business practice of the mortgagee, mortgage servicer or note holder; provided in either case, however, that the mortgagee, mortgage servicer or note holder provides to a mortgagor or an authorized person acting on behalf thereof a confirmatory discharge complying with subsections (a) and (b) within 30 days after receipt by certified mail or commercial overnight or in-hand delivery of a written demand therefor. In such case the mortgagee, mortgage servicer or note holder who reasonably demonstrates compliance with this paragraph shall be entitled to charge a reasonable fee for providing the confirmatory discharge and any required supporting documentation and shall not be responsible for any recording fees therefor.

(d) A closing attorney, settlement agent or other person who has received a discharge of a mortgage under subsection (a), provided that the discharge complies with the requirements of subsection (b), shall record the discharge within 45 days of the receipt. If the person fails to record the discharge within that time, he shall be liable in damages to the mortgagor, as that term is defined in section 54, in an amount equal to the greater of $2,500 or the actual damages sustained by the mortgagor as the result of the failure, together with reasonable attorneys fees and costs, in addition to all other remedies available at law. The liability set forth herein shall be limited, however, to actual damages sustained by the mortgagor if, within 30 days of receipt by certified mail, or in-hand delivery or overnight delivery of a written demand either to record the discharge or to provide it to the mortgagor or to another attorney closing a transaction on the mortgaged property, the person in possession of the discharge either records the discharge or provides it to the mortgagor or the other attorney making the demand, together with any recording fee previously withheld by the person from the mortgagor's funds.

(e) With respect to a mortgage on 1-to-4-family residential property, a mortgagee, mortgage servicer or note holder who has withheld the recording fee for the discharge from the mortgagor's account, but fails to record the discharge, shall, within 30 days after receipt of a written demand sent certified mail by the mortgagor or an authorized person on the mortgagor's behalf, return to the mortgagor or credit the mortgagor's account all fees charged

or withheld for recording the discharge, together with interest at 6 per cent per annum. The mortgagee, mortgage servicer or note holder who fails to comply with this subsection shall be liable in damages to the mortgagor, as that term is defined in section 54, in an amount equal to the greater of the amount of fees charged to or withheld from the mortgagor and not refunded or credited, with interest thereon, plus $2,500, or the mortgagor's actual damages, together with reasonable attorneys fees and costs, in addition to all other remedies available at law.

(f) For purposes of this section, unless otherwise established, receipt of a notice, demand, request or payment shall be presumed to occur either on the fifth day after the postmark date, if mailed first class with postage prepaid, or on the receipt or delivery date if transmitted by registered or certified mail, or commercial overnight or in-hand delivery service, or, in the case of a wire transfer of funds, the date appearing on a bank confirmation of wire transmission, as the term is defined in section 54.

(g) (1) Notwithstanding the foregoing, if the mortgagee, mortgage servicer or note holder fails to record or provide to the closing attorney, settlement agent or other person transmitting the payoff a duly executed and acknowledged discharge of mortgage on 1-to-4-family residential property within 45 days from receipt of full payment or satisfaction of the indebtedness or other obligations secured by the mortgage, together with any supporting documentation required under subsection (b), or, if such discharge was provided but was not recorded and is no longer available, an attorney-at-law licensed to practice in the commonwealth may, on behalf of the mortgagor, the mortgagor's executors, administrators, successors, assignees or transferees, or a mortgagee thereof, execute and cause to be recorded in the registry district in which the mortgage is recorded, an affidavit that includes a description of the mortgage and any assignments thereof, including the parties thereto, the address of the mortgaged property and the recording information for the mortgage and any assignments, and that states:

(i) the affiant is an attorney-at-law in good standing and licensed to practice in the commonwealth;

(ii) the affidavit is made on behalf of and at the request of the mortgagor, the mortgagor's executors, administrators, successors, assignees or transferees, or a mortgagee thereof;

(iii) whether the affiant has been able to ascertain that the mortgagee, mortgage servicer or note holder has provided a written payoff statement with respect to the loan or other financial obligation secured by the mortgage;

(iv) the affiant has ascertained that the mortgagee, mortgage servicer, or note holder has received full payment of the indebtedness secured by the mortgage, and that the affiant is in possession of documentary evidence of the payment, which may include a check that has been negotiated by the mortgagee, mortgage servicer, or note holder, by a bank confirmation of wire transmission, or by other documentary evidence of full payment of the indebtedness secured by the mortgage, including written confirmation by the affiant or another attorney in good standing and licensed in the commonwealth of an oral acknowledgement

by the mortgagee, mortgage servicer or note holder of full payment, or an affidavit under section 5B by the closing attorney, settlement agent or other person transmitting the payoff describing the circumstances of the payoff and certifying that the person has not received from the mortgagee, mortgage servicer or note holder to whom the payoff was transmitted any notification that the payment has been rejected or that there is any other objection to the adequacy of the payment and that the payoff transmittal has not been returned to the person as undeliverable or for any other reason, without being retransmitted to and received by the mortgagee, mortgage servicer or note holder to whom payment was sent;

(v) more than 45 days have elapsed since such payment was received by the mortgagee, mortgage servicer or note holder;

(vi) the affiant or, if different, the closing attorney, settlement agent or other person transmitting payment, has not been provided either a discharge of mortgage or the recording information that evidences a recorded discharge in compliance with subsections (a) and (b), or, if provided, the discharge has not been recorded and is otherwise unavailable for any reason; and

(vii) the affiant has given the mortgagee, mortgage servicer or note holder to whom the payoff was sent at least 45 days' notice in writing by certified mail that the affiant intends to execute and cause to be recorded the affidavit, which notice shall refer to this subsection and state that the affidavit will be recorded and will discharge the mortgage unless, within 45 days after receipt of the notice, the mortgagee, mortgage servicer or note holder either has complied with the requirements of subsections (a) and (b) and demonstrated the same by written notice to the affiant, has provided the affiant a confirmatory discharge or has notified the affiant in writing that the payment was inadequate and specifying the reason and amount of the inadequacy. The notice shall be accompanied by copies of the proposed affidavit, the documentary evidence of payment and the payoff statement, if available, or contain a statement that a payoff statement is not available.

(2) Notwithstanding paragraph (1), a closing attorney or settlement agent who transmits a payoff in the amount prescribed in a payoff statement and in accordance with instructions provided therein may include therewith a notice of intention to record a discharge by affidavit in accordance with this subsection, to which reference shall be made to inform the recipient of the provisions thereof, which notice shall state:

(i) that payment is being made in accordance with the enclosed payoff statement;

(ii) that within 45 days from receipt of the payment, either a discharge of the mortgage or the recording information that evidences a recorded discharge in compliance with subsections (a) and (b) shall be provided by the recipient of the payoff to the closing attorney or settlement agent;

(iii) that failure to so provide or record a proper discharge within the 45 days shall expose the mortgagee, mortgage servicer or note holder to liabilities and remedies under this section and shall, in addition, entitle the affiant to execute and cause to be recorded an affidavit discharging the mortgage in accordance with this section;

(iv) that a copy of the proposed affidavit, including therewith a description of the mortgage and any assignments thereof, including the parties thereto, the address of the mortgaged property and the recording information for the mortgage and any assignments, is enclosed with the notice; and

(v) that the affidavit will be recorded and will discharge the mortgage unless, within 45 days after receipt of the notice, the affiant receives from the mortgagee, mortgage servicer or note holder a written notice of objection to the payoff, specifying any inadequacy in payment or any other reason for objection.

The notice of intention to record said affidavit pursuant to this paragraph (2) may be sent by regular mail, certified mail or by commercial overnight or in-hand delivery service. If payoff funds are transmitted by electronic transfer, a bank confirmation of wire transmission shall accompany the notice.

(3) In the case of a notice under either paragraphs (1) or (2), if the payoff was made and the notice was sent to a servicer or a note holder who was not a mortgagee, a like notice shall be sent to the mortgagee at its last known address, and the mortgagee may object to the recording of the affidavit and discharge of the mortgage only if the mortgagee provides credible evidence to the affiant, within 45 days after receipt of the notice, that it is the true holder of the note, debt or other claim or obligation secured by the mortgage and that the payoff was inadequate, specifying the reason for the inadequacy, or that payment was erroneously made to someone who was not the proper holder of the note, debt or other claim or obligation secured by the mortgage and who was not acting properly on behalf of the mortgagee in receiving the payment. If such like notice is required to be sent under this paragraph, the affidavit, in addition to the requirements otherwise set forth in this subsection, shall also recite compliance with this paragraph.

(4) In the case of a discharge by affidavit recorded pursuant to paragraph (2), an assignee of the mortgage being discharged whose assignment does not appear of record before the date the payoff was made, shall not have any right to the notice provided in said paragraph (2) or the like notice provided in paragraph (3), nor shall the assignee have any standing to object to or challenge the discharge as against a bona fide purchaser, mortgagee, lienholder or encumbrancer without notice, even if the assignment to the assignee is recorded before the recording of the affidavit.

(5) The affiant may record an affidavit in accordance with this subsection, unless, within the time periods set forth in paragraphs (1), (2) and (3) the mortgagee, mortgage servicer or note holder has given the affiant written notice of objection to the payoff, specifying any inadequacy in the payment or any other reason for objection. The affidavit shall be accompanied by a copy of the notice provided to the mortgagee, mortgage servicer or note holder but need not be accompanied by the documents enclosed with such notice.

(6) In the event that the affiant is notified of an objection, the affidavit may not be recorded until the affiant determines that the mortgagor has complied with any request made by the mortgagee, mortgage servicer or note holder for additional payment, or that any other objection has been satisfied, at least 15 days before the date of the affidavit without further

objection being raised by the mortgagee, mortgage servicer or note holder, and the affidavit shall be amended to include a copy of the written notice of objection and certify to such compliance or satisfaction with no further objection being made, at which time, the affidavit may be recorded without further notice to the mortgagee, mortgage servicer or note holder.

(7) The affidavit shall also include the names and last known addresses of the mortgagor and the mortgagee, mortgage servicer or note holder, the date of the mortgage and the mortgage recording reference, as well as that of any recorded assignment of the mortgage. Failure of the affiant to include such information in an affidavit, or to certify a copy of any notice required to be attached thereto as a true copy, shall not affect the validity of the affidavit or its effect as a discharge.

(8) The affidavit, when so recorded, shall constitute a discharge of the mortgage and a release of the lien created by the mortgage on the mortgaged premises in favor of a bona fide purchaser, mortgagee, lienholder or encumbrancer for value without notice, but, nothing in this section shall preclude a mortgagee, mortgage servicer or note holder from collecting any deficiencies or other payments for which an obligor may be personally liable.

(9) A person who causes an affidavit to be created in accordance with this subsection knowing that the information or statements contained therein, or in any documentary evidence relied upon therefor, or that the copy of any notice or document attached thereto or relied upon therefor is false, shall be punished by a fine of not more than $5,000 in addition to all other remedies at law, both civil and criminal and, in the event of civil liability to anyone damaged thereby, attorneys fees and costs shall be awarded in addition to any award of damages.

(h) In addition to the provisions of this section and sections 54 and 54C, a mortgage encumbering a 1-to-4-family residential property may be discharged by recording the original note secured by the mortgage, if the note is marked paid by the holder thereof as evidenced by the endorsements thereon. If not otherwise in recordable form, the note may be recorded as an attachment or exhibit to an affidavit under section 5B.

(i) When a change in the name or identity of a corporate mortgagee or mortgage note holder is caused by or results from one or more mergers, consolidations, amendments to charter or articles of incorporation, or conversions of articles of incorporation or charter from federal to state, from state to federal, or from one form of entity to another, or from acquisition of assets of a failed institution by or from a government regulatory authority, a mortgage discharge, assignment, partial release or mortgage note that is otherwise recordable and that recites within the body of the instrument the fact of any merger, consolidation, amendment, conversion or acquisition of assets causing the change in name or identity, the mortgage discharge, assignment, partial release or mortgage note shall be accepted for recording in the appropriate registry of deeds or for registration with the appropriate registry district of the land court without further evidence of the corporate merger, consolidation, amendment, conversion or acquisition. The recital in the instrument shall be conclusive in favor of any bona fide purchaser, mortgagee, lienholder or encumbrancer for value relying in good faith thereon.

(j) Liability established under this section against multiple parties shall be joint and several.

(k) If any document authorized or required to be recorded pursuant to this section contains personal identifier numbers, such as social security or tax identification numbers, or financial account numbers, such as checking, savings or investment account numbers, the numbers may be whited out, blackened out or otherwise obliterated so as to become illegible and the document shall be entitled nonetheless to recording so long as the obliteration does not appear to substantially alter or change the content, tenor or nature of the document.

SECTION 4A. Chapter 184 of the General Laws is hereby amended by striking out section 17B, as so appearing, and inserting in place thereof the following section:-

Section 17B. Every application for a mortgage loan on 1-to-4-family residential property and occupied or to be occupied in whole or in part by the obligor on the mortgage debt shall be made on a printed form which shall contain the following 2 statements in type of at least 2 points larger than the other type used on the application:

(1) The responsibility of the attorney for the mortgagee is to protect the interest of the mortgagee.

(2) Mortgagors may, at their own expense, engage an attorney of their selection to represent their interests in the transaction.

A printed copy of the above statements shall be given to the mortgagor at the time of making the application.

SECTION 4B. Sections 17C and 17D of said chapter 184 are hereby repealed.

SECTION 5. Chapter 240 of the General Laws is hereby amended by striking out section 15, as so appearing, and inserting in place thereof the following section:-

Section 15. (a) If the record title of land or of easements or rights in land is encumbered by an undischarged mortgage or a mortgage not properly or legally discharged of record, and a mortgagor or a mortgagor's heirs, successors or assigns claim that the mortgage has been fully paid or the conditions or obligations secured thereby have been fully satisfied and that the holder of the mortgage has neglected or refused to provide a discharge in accordance with section 55 of chapter 183, the mortgagor, the mortgagor's heirs, successors or assigns, or any person exercising the rights in easements, or any person named in section 11, may file a petition in the land court or, except in the case of registered land, in the superior court for the county in which the land is located; and if, after such notice by publication or otherwise, as the court orders, the court finds on a preponderance of the evidence that the mortgage has been fully paid or satisfied and that the mortgage ought to be discharged, it shall enter a decree discharging the mortgage, which decree, when duly recorded in the registry of deeds for the county or district where the land lies or, in the case of registered land, when duly noted on the memorandum of encumbrances of the relevant certificate of title, shall operate as a discharge of the mortgage and no action to enforce a title under the mortgage shall thereafter be maintained.

(b) If the record title of land or of easements or rights in land is encumbered by an undischarged mortgage or a mortgage not properly or legally discharged of record, and the

mortgagor or the mortgagor's heirs, successors or assigns do not have actual or direct evidence of full payment or satisfaction of the mortgage but the mortgagor, or the mortgagor's heirs, successors or assigns have been in uninterrupted possession of the land or exercising the rights in easements or other rights in the land, either: (1) in the case of a successor or assign who is a bona fide purchaser for value or who is an heir, successor or assign of the bona fide purchaser for value, for any period of 20 years after the recording of a deed from the mortgagor or his heirs or devisees to the bona fide purchaser, which deed did not evidence that title was taken subject to the mortgage or that the purchaser assumed or agreed to pay the mortgage; or (2) in the case of the mortgagor, or the mortgagor's heirs, devisees or successors by operation of law, for any period of 1 year after the expiration of the time limited in the mortgage for the full performance of the condition thereof, or for any period of 20 years after the date of a mortgage not given to secure the payment of money or a debt but to secure the mortgagee against a contingent liability which has so ceased to exist that no person will be prejudiced by the discharge thereof, the mortgagor, or the mortgagor's heirs, successors or assigns, or any person exercising the rights in easements or any person described in section 11, may file a petition in the land court or, except in the case of registered land, in the superior court for the county in which the land is located; and if, after such notice by publication or otherwise as the court orders, no evidence is offered of a payment on account of the debt secured by the mortgage within the relevant period of uninterrupted possession or of any other act within the time in recognition of its existence as a valid mortgage, or if the court finds that the contingent liability has ceased to exist and that the mortgage ought to be discharged, it may enter a decree discharging the mortgage, which decree, when duly recorded in the registry of deeds for the county or district where the land lies or, in the case of registered land, when duly noted on the memorandum of encumbrances of the relevant certificate of title, shall operate as a discharge of the mortgage and no action to enforce a title under the mortgage shall thereafter be maintained. Two or more persons owning in severalty different portions or different interests, such as are described in section 11, in the land subject to the mortgage may join in 1 petition, and 2 or more defects arising under different mortgages affecting 1 parcel of land may be set forth in the same petition. If the petition is contested, the court shall make an appropriate order for separate issues.

SECTION 6. Chapter 260 of the General Laws is hereby amended by striking out section 33, as so appearing, and inserting in place thereof the following section:-

Section 33. A power of sale in any mortgage of real estate shall not be exercised and an entry shall not be made nor possession taken nor proceeding begun for foreclosure of any such mortgage after the expiration of, in the case of a mortgage in which no term of the mortgage is stated, 35 years from the recording of the mortgage or, in the case of a mortgage in which the term or maturity date of the mortgage is stated, 5 years from the expiration of the term or from the maturity date, unless an extension of the mortgage, or an acknowledgment or affidavit that the mortgage is not satisfied, is recorded before the expiration of such period. In case an extension of the mortgage or the acknowledgment or

affidavit is so recorded, the period shall continue until 5 years shall have elapsed during which there is not recorded any further extension of the mortgage or acknowledgment or affidavit that the mortgage is not satisfied. The period shall not be extended by reason of non-residence or disability of any person interested in the mortgage or the real estate, or by any partial payment, agreement, extension, acknowledgment, affidavit or other action not meeting the requirements of this section and sections 34 and 35. Upon the expiration of the period provided herein, the mortgage shall be considered discharged for all purposes without the necessity of further action by the owner of the equity of redemption or any other persons having an interest in the mortgaged property and, in the case of registered land, upon the payment of the fee for the recording of a discharge, the mortgage shall be marked as discharged on the relevant memorandum of encumbrances in the same manner as for any other mortgage duly discharged.

SECTION 7. Said chapter 260 is hereby further amended by striking out section 35, as so appearing, and inserting in place thereof the following section:-

Section 35. For the purposes of this section and sections 33 and 34, the term "mortgage" includes any deed of trust or other conveyance made for the purpose of securing performance of a debt or obligation, and no proceeding shall be considered begun until a memorandum, as required by section 15 of chapter 184, has been recorded in the registry of deeds for the county or recording district in which the real estate is situated. When any mortgage includes parcels in different ownerships at the time of recording of an extension, acknowledgment or affidavit the recording shall be sufficient only for the parcels which the owner or owners executing the extension or acknowledgment or named in the affidavit then appear of record to own. When the real estate is situated in more than 1 county or district, recording in any county or district shall be sufficient only for the real estate there situated. This section and sections 33 and 34 shall not revive, preserve or extend any mortgage otherwise ineffective nor affect enforcement of the debt or obligation otherwise than against the real estate mortgaged.

SECTION 8. Sections 1 to 7, inclusive, shall apply to all mortgages, whether recorded before, on or after the effective date hereof, except that, the term of a mortgage which as a result of sections 5 and 6 would expire within 1 year after the effective date of this act shall be extended for a period of 1 year from the effective date of this act.

SECTION 9. Sections 4A and 4B shall take effect on July 1, 2006. The remaining sections shall take effect on October 1, 2006.

Approved April 13, 2006.

Chapter 64. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2006 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to make appropriations for the fiscal year beginning July 1, 2005, and to make certain changes in law, each of which is immediately necessary or appropriate to effectuate these appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2006, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2006. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items.

SECTION 2.

JUDICIARY

Supreme Judicial Court

0321-0001 ..... $14,600

Trial Court

0330-0300 ..... $5,934,801

DISTRICT ATTORNEYS

Worcester District Attorney

0340-0400 ..... $200,000

Hampden District Attorney

0340-0500 ..... $120,000

Hampshire/Franklin District Attorney

0340-0601 ..... $42,908

Berkshire District Attorney

0340-1101 ..... $60,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Bureau of State Office Buildings

1102-3302 ..... $1,997,785

Department of Revenue

1232-0100 ..... $12,000,000

Reserves

1599-1971 ..... $11,605,137
1599-3384 ..... $6,500,000

Human Resources Division

1750-0300 ..... $500,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation

2820-9005 ..... $649,563

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Department of Veterans' Services

1410-0300 ..... $1,541,151

Soldiers' Home in Massachusetts

4180-0100 ..... $183,000

Soldiers' Home in Holyoke

4190-0100 ..... $103,000

Department of Transitional Assistance

4405-2000 ..... $4,401,104

Department of Public Health

4516-1000 ..... $281,962
4590-0915 ..... $3,090,296

Department of Mental Health

5095-0015 ..... $2,169,941

Department of Mental Retardation

5920-2010 ..... $706,500
5930-1000 ..... $3,036,101

EXECUTIVE OFFICE OF TRANSPORTATION

Highway Department

6010-0001 ..... $2,423,382
6030-7201 ..... $11,430,724

EXECUTIVE OFFICE OF PUBLIC SAFETY

Department of State Police

8100-0007 ..... $2,000,000

Registry of Motor Vehicles

8400-0001 ..... $2,224,862

Military Division

8700-0001 ..... $1,779,284

Department of Corrections

8900-0001 ..... $6,550,000
8900-0010 ..... $439,430

County Corrections

8910-0000 ..... $2,000,000

SHERIFFS

8910-0102 ..... $1,500,000
8910-0107 ..... $2,148,858
8910-0108 ..... $984,967
8910-0145 ..... $287,535

Department of Elder Affairs

9110-1455 ..... $3,781,967

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated

from the General Fund unless specifically designated otherwise in this act, for the several purposes and subject to the conditions specified in this act, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2006. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items.

TREASURER AND RECEIVER-GENERAL

Office of the Treasurer and Receiver-General

0611-1010 For the cost of life insurance premiums for National Guard members pursuant to section 6 of chapter 130 of the acts of 2005 ..... $1,170,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary for Administration and Finance

1599-4080 For a reserve to meet the costs in fiscal years 2005 and 2006 of salary increases, benefit adjustments and other employee economic benefits authorized for employees of the supreme judicial court, the appeals court and the trial court that are covered by the collective bargaining agreements between the trial court of the commonwealth and the National Association of Government Employees (NAGE), Local 5000 covering all probation officers, associate probation officers, court officers and associate court officers, including all court officers in the Middlesex superior and Suffolk superior court officers' bargaining units; provided, that the secretary may make allocations from this item to meet the costs of salary adjustments and other economic benefits to personnel of the trial court employed in confidential, so-called, positions who would otherwise be covered by collective-bargaining agreements in effect for fiscal year 2005; provided further, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal years 2005 and 2006 such adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $11,561,863

1599-4093 For a reserve to meet the fiscal year 2005 and 2006 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of

Massachusetts and the Massachusetts Society of Professors/Faculty Staff Union/MTA/NEA at the Amherst and Boston campuses, and to meet the fiscal year 2005 and 2006 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $5,361,732

1599-4094 For a reserve to meet the fiscal year 2005 and 2006 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Service Employees International Union, Local 888 at the Boston campus, and to meet the fiscal year 2005 and 2006 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $514,035

1599-4095 For a reserve to meet the fiscal year 2005 and 2006 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the University Staff Association/Massachusetts Teachers Association/NEA at the Amherst campus, and to meet the fiscal year 2005 and 2006 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $798,859

1599-4096 For a reserve to meet the fiscal year 2005 and 2006 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the American Federation of Teachers, Local 1895, Faculty Federation at the Dartmouth campus, and to meet the fiscal year 2005 and 2006 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the

purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $1,255,384

1599-4097 For a reserve to meet the fiscal year 2005 and 2006 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Massachusetts Society of Professors/Lowell, and to meet the fiscal year 2005 and 2006 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $1,509,817

1599-4098 For a reserve to meet the fiscal year 2005 and 2006 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Graduate Employee Organization, Local 2322/UAW at the Amherst campus, and to meet the fiscal year 2005 and 2006 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover positions; and provided further, that the secretary may transfer from the sum appropriated herein

to other items of appropriation and allocations thereof for fiscal year 2006 such amounts as are necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $975,740

1599-4160 For a reserve to meet the fiscal year 2006 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Barnstable county sheriff and the National Association of Government Employees, Administrative Office Workers, Local 220, and to meet the fiscal year 2006 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $11,222

1599-4161 For a reserve to meet the fiscal year 2006 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Barnstable county sheriff and the National Association of Government Employees, Registered Nurses and Licensed Practical Nurses, and to meet the fiscal year 2006 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments

and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $11,721

1599-4162 For a reserve to meet the fiscal year 2006 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Bristol County Sheriff's Office and the National Association of Government Employees, Local RI-163, and to meet the fiscal year 2006 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $53,515

1599-4163 For a reserve to meet the fiscal year 2006 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Bristol county sheriff and the National Association of Government Employees, Local RI-147, and to meet the fiscal year 2006 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval

of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $30,980

1599-4164 For a reserve to meet the fiscal year 2006 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Bristol County Sheriff's Office and the International Brotherhood of Correctional Officers, and to meet the fiscal year 2006 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $24,871

1599-4165 For a reserve to meet the fiscal year 2006 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Berkshire sheriff's department and the International Brotherhood of Correctional Officers, Local RI-297, and to meet the fiscal year 2006 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits

to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $416,571

1599-4166 For a reserve to meet the fiscal year 2006 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Hampden sheriff's department and the Non-Uniformed Correctional Association, and to meet the fiscal year 2006 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $120,000

1599-4167 For a reserve to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Norfolk county sheriff and the National Association of Government Employees, Local RI-202, and to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits

to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal years 2006 and 2007 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $290,608

1599-4168 For a reserve to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Barnstable county sheriff and the International Brotherhood of Correctional Officers, Local 217, and to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal years 2006 and 2007 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $67,957

1599-4169 For a reserve to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Massachusetts state lottery commission and the Service Employees International Union, Local 888, and to meet the fiscal year

2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal years 2006 and 2007 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $2,113,345

1599-4170 For a reserve to meet the fiscal year 2005, 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Service Employees International Union, Local 888 at the Lowell campus, and to meet the fiscal year 2005, 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 and 2007 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $143,051

1599-4171 For a reserve to meet the fiscal year 2005, 2006 and 2007 costs of salary adjustments and other economic benefits authorized

by the collective bargaining agreement between the University of Massachusetts and the Service Employees International Union, Local 888, National Association of Government Employees, at the Lowell campus, and to meet the fiscal year 2005, 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 and 2007 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $339,034

1599-4172 For a reserve to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the January 2006 memorandum of agreement between the commonwealth and the Alliance, AFSCME-SEIU, AFL-CIO, Unit 2; provided, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal years 2006 and 2007 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $4,150,000

1599-4173 For a reserve to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Plymouth county sheriff and the Association of County Employees, and to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by

the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal years 2006 and 2007 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $1,123,032

1599-4174 For a reserve to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Plymouth county sheriff and the Massachusetts Correctional Officers Federated Union, Emergency Communications Center Unit, and to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal years 2006 and 2007 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $33,193

1599-4175 For a reserve to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Plymouth county sheriff and the Massachusetts Correctional Officers Federated Union, Bureau of Criminal Investigations Unit, and

to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by the agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine the adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover the positions; and provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal years 2006 and 2007 amounts necessary to meet the costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $44,090

EXECUTIVE OFFICE OF PUBLIC SAFETY

Department of State Police

8100-0022 For overtime costs related to the state police presence in Springfield $500,000

Massachusetts Emergency Management Agency

8800-0400 For a state match to the Federal Emergency Management Agency for Disaster Declaration 1614 and Emergency Declaration 3264, related to the October 2005 flooding $2,012,500

SECTION 2B. To provide for supplementing certain intragovernmental chargeback authorizations in the general appropriation act and other appropriation acts for fiscal year 2006, to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for an alteration of purpose for current intragovernmental chargeback authorizations, and to meet certain requirements of law, the sums set forth in this section are hereby authorized from the Intragovernmental Service Fund for the several purposes specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2006. These sums shall be in addition to any amounts previously authorized and made available for the purposes of these items.

EXECUTIVE OFFICE OF TRANSPORTATION

Highway Department

6030-7501 ..... $400,000

SECTION 2C.I. For the purpose of making available in fiscal year 2007 balances of appropriations which otherwise would revert on June 30, 2006, the unexpended balances of the maintenance appropriations listed below, not to exceed the amount specified below for each item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of the general appropriation act for fiscal year 2007; provided, however, that for items which do not appear in said section 2 of the general appropriation act, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in said section 2 of said general appropriation act; provided, however, that for items which do not appear in said section 2 of the general appropriation act, the amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. The sums re-appropriated herein shall be in addition to any amounts available for those purposes.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary of Administration and Finance

1599-4052	$40,000
1599-4054	$20,000
1599-4059	$20,000
1599-4167	$290,608
1599-4168	$67,957
1599-4169	$2,113,345
1599-4170	$143,051
1599-4171	$339,034
1599-4172	$4,150,000
1599-4173	$1,123,032
1599-4174	$33,193
1599-4175	$44,090

WORKFORCE DEVELOPMENT

Department of Labor and Workforce Development

7003-0701	$20,000,000

EXECUTIVE OFFICE OF PUBLIC SAFETY

Department of State Police

8100-0515	$1,800,000

SECTION 2D. The amounts set forth in this section are hereby appropriated from

the General Federal Grants Fund. Federal funds received in excess of the amount appropriated in this section shall be expended only in accordance with section 6B of chapter 29 of the General Laws.

EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY

Sheriffs

8910-1118 For the purposes of a federally funded grant, entitled BJA Congressionally Mandated Award $98,664

SECTION 3. Clause (ii) of paragraph (d) of subdivision (2) of section 9 of chapter 32 of the General Laws, added by chapter 55 of the acts of 2006 , is hereby amended by inserting after the words "section 22" the following words:-but, in a regional retirement system, the "chief executive officer and legislative body" shall mean the regional retirement board advisory council,.

SECTION 4. Section 6 of chapter 119A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 85, the word "six" and inserting in place thereof the following figure:- 10.

SECTION 5. Section 1A of chapter 188 of the General Laws, as so appearing, is hereby amended by striking out, in line 28, the figure "$300,000" and inserting in place thereof the following figure:- $500,000.

SECTION 6. Section 3 of chapter 192 of the acts of 1994, as most recently amended by section 2 of chapter 3 of the acts of 2005, is hereby further amended by striking out the seventh and eighth sentences and inserting in place thereof the following sentence:- Each member of the general court shall be entitled to be paid for his compensation for each such session on a bi-weekly basis.

SECTION 7. Section 2 of chapter 45 of the acts of 2005 is hereby amended by striking out item 1102-3205 and inserting in place thereof the following item:—

1102-3205 The division may expend for the maintenance and operation of the Massachusetts information technology center an amount not to exceed $6,520,000 in revenues collected from rentals, commissions, fees, parking fees and any and all other sources pertaining to the operations of the center; but, notwithstanding any general or special law to the contrary, and for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system $6,520,000

SECTION 8. Said section 2 of said chapter 45 is hereby further amended by striking out item 8100-0006 and inserting in place thereof the following:—

8100-0006 For private police details; provided, that the department may expend up to $17,500,000 in revenues collected from fees charged for private police details and for the costs of administering such details; and provided further, that notwithstanding any general or special law to the contrary, the department may incur, and the comptroller may certify for payment, expenses and liabilities during fiscal year 2006 to be charged to this item in an amount not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system for the purposes stated in this item to accommodate the delayed receipt of revenues authorized to be retained in this item during fiscal year 2006 ..... $17,500,000

SECTION 9. The last sentence of section 12 of chapter 130 of the acts of 2005 is hereby amended by striking out the words "April 1, 2006" and inserting in place thereof the following words:- May 15, 2006.

SECTION 10. The first sentence of the third paragraph of chapter 1 of the resolves of 2006 is hereby amended by striking out the words "June 30, 2006" and inserting in place thereof the following words:- October 30, 2006.

SECTION 11. Section 119 of chapter 58 of the acts of 2006 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The transfers shall not begin before July 1, 2006, and shall be completed on or before June 30, 2007.

SECTION 12. Section 120 of said chapter 58 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:-The transfers shall not begin before October 1, 2006, and shall be completed on or before June 30, 2007.

SECTION 13. Notwithstanding subsection (nn) of section 89 of chapter 71 of the General Laws or any other general or special law to the contrary, the per pupil capital needs component of the commonwealth charter school tuition rate for fiscal year 2006 shall be $776.

SECTION 14. Section 4 shall take effect as of December 8, 2005.

SECTION 15. Section 5 shall take effect as of October 26, 2004.

SECTION 16. Section 6 shall take effect as of January 4, 2006.

Approved April 14, 2006.

Chapter 65. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWNS OF SCITUATE AND MARSHFIELD AS THE SERGEANT MICHAEL JASON KELLEY MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge on state highway route 3A spanning the North river and connecting the towns of Marshfield and Scituate shall be designated and known as the Sergeant Michael Jason Kelley Memorial Bridge, in memory of Michael Jason Kelley of the town of Scituate who was killed in Afghanistan while serving in the Massachusetts national guard. The department of highways shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department.

Approved April 20, 2006.

Chapter 66. AN ACT AUTHORIZING THE TOWN OF AUBURN TO CONVEY A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Auburn, acting by and through its board of selectmen, may purchase from Chao Lee, LLC, a certain parcel of land, with a building thereon, located at 338-340 Southbridge street in the town of Auburn, as described in a deed recorded at the Worcester district registry of deeds in book 20957, page 381. The parcel is contiguous to, and shall be used by the town in conjunction with, the new Auburn high school.

SECTION 2. Consideration to Chao Lee, LLC by the town of Auburn shall be as follows: payment of a sum of money not to exceed $500,000 and conveyance to Chao Lee, LLC of a certain parcel of land owned by the town, located at 90 Auburn street in the town, as described in a deed recorded at the Worcester district registry of deeds in book 31637, page 162. The appraised value of the town owned parcel being $595,000, as of March, 2005.

SECTION 3. The town of Auburn may enter into a use and occupancy agreement with Chao Lee, LLC for the period of July 1, 2006, to February 28, 2007, inclusive, allowing Chao Lee, LLC to remain on the premises at 338-340 Southbridge street after conveyance of the property to the town so as to enable Chao Lee, LLC to continue to operate its business during construction of its new restaurant at 90 Auburn street in the town. The use and occupancy shall be without compensation, but on condition that Chao Lee, LLC shall pay all expenses related to the operation of its business, including general property and casualty insurance satisfactory to the town.

SECTION 4. The property at 90 Auburn street in the town of Auburn shall revert to the town if Chao Lee, LLC shall fail to construct a restaurant as approved by the Auburn planning board. A reversion clause to this effect shall be stated in the deed. This right of re-

version shall terminate upon issuance of an occupancy permit to Chao Lee, LLC for the restaurant.

SECTION 5. Subsections (a), (b) and (g) of section 16 of chapter 30B of the General Laws shall apply to the conveyance authorized by this act.

SECTION 6. This act shall take effect upon its passage.

Approved April 20, 2006.

Chapter 67. AN ACT REQUIRING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND TO THE TOWN OF STOUGHTON.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to require forthwith the conveyance of certain land to the town of Stoughton, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding sections 40F to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law, rule or regulation to the contrary, the commissioner of capital asset management and maintenance shall convey to the town of Stoughton, for nominal consideration, by deed, a parcel of state-owned land located in the town, formerly under the care and control of the armory commission. The parcel is shown as parcel 42 on town assessor's map 81.

Approved April 20, 2006.

Chapter 68. AN ACT ESTABLISHING A BOARD OF REGISTRARS IN THE TOWN OF SWAMPSCOTT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law, charter or by-law to the contrary, there shall be in the town of Swampscott a board of registrars of voters which shall have all the powers, rights, duties and liabilities of boards of registrars of voters under the General Laws.

SECTION 2. Upon the effective date of this act, the board of election commissioners of the town of Swampscott shall be abolished. The members of the board of election commissioners in office as of the effective date of this act shall be members of the

board of registrars created under section 1 and shall serve until the expiration of their respective terms and until their successors are appointed and qualified, or until their earlier resignation, but if there are 4 members of the board of election commissioners in office as of the effective date of this act, the term of the member with the shortest time remaining in office shall end as of the effective date of this act. Appointments to the board of registrars after that date shall be made under section 15 of chapter 51 of the General Laws.

SECTION 3. Upon the effective date of this act, any and all powers, rights, duties and liabilities of the board of election commissioners in existence before that effective date with regard to elections, either under general or special law, shall be transferred to the town clerk, and the town clerk shall be the lawful successor of that board with regard to matters not within the authority of the board of registrars. There shall be delivered to the town clerk all books, papers, records and all other property in the possession of the board of registrars created under section 1 of this act related to or required for use in the conduct of elections. Any and all powers, rights, duties and liabilities of the board of election commissioners in existence before the effective date of this act with regard to those matters within the authority of a board of registrars under general or special law, including registration and qualification of voters, creation and maintenance of voting lists and street lists, and certification of names of registered voters on nomination and ballot question petitions, shall be transferred to the board of registrars of voters created under section 1, and that board shall be considered the lawful successor of the board of election commissioners with regard to those matters.

SECTION 4. This act shall take effect upon its passage.

Approved April 20, 2006.

Chapter 69. AN ACT ESTABLISHING A SICK LEAVE BANK FOR DENISE GAMACHE, AN EMPLOYEE OF THE DEPARTMENT OF REVENUE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of revenue, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the department of revenue shall establish a sick leave bank for Denise Gamache, an employee of the department of revenue. Any employee of the department of revenue may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Denise Gamache. Whenever Denise Gamache terminates employment with the commonwealth or

requests to dissolve the sick leave bank, the remaining days in the sick leave bank shall be transferred to the extended illness leave bank.

Approved April 24, 2006.

Chapter 70. AN ACT RELATIVE TO THE FINANCIAL CONDITION OF THE TOWN OF MEDWAY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law, town charter provision or local by-law to the contrary, the town of Medway, with the approval of the commissioner of revenue, in this act called the commissioner, or with the approval of the finance advisory board, in this act called the board, if the board has been established under section 3, may borrow, at 1 time or from time to time, sums approved by town meeting and then by the commissioner or the board, but in no event in an amount in the aggregate more than $3,000,000 to maintain and operate the town while it adjusts the level of its expenses and revenues so as to achieve balanced budgets and fiscal stability. The commissioner or board may limit this borrowing to an amount or amounts less than the amount or amounts approved by town meeting. Bonds or notes issued under this act for operating purposes may be issued for a term of not more than 10 years and shall be backed by the full faith of the town. The bonds and notes shall be eligible to be issued as qualified bonds or notes under chapter 44A of the General Laws. Indebtedness incurred under this act shall not be included in determining the statutory limit of indebtedness of the town under section 10 of chapter 44 of the General Laws but, except as provided in this act, shall otherwise be subject to said chapter 44. Amounts raised to pay indebtedness incurred under authority of this section shall be subject to section 21C of chapter 59 of the General Laws.

The maturities of each issue of bonds or notes authorized under this act, including any refunding bonds, may, if approved by the town officers authorized to issue and approve these bonds or notes, and by the commissioner or board, be arranged so that for each issue the amounts payable in the several years for principal and interest combined are as nearly equal as is practicable in the opinion of the officers authorized to issue and approve the bonds or notes, or in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.

SECTION 2. All proceeds of any loan authorized by section 1 shall be deposited in a separate fund which shall be set up on the books of the town of Medway and be maintained separate and apart from all other funds and accounts of the town. This fund shall be called the Town of Medway Financial Stability Fund, in this act called the fund. The selectmen, with the approval of the commissioner or board, may authorize disbursements from the fund for operating purposes that the selectmen consider appropriate to maintain and continue town operations. Funds borrowed for operating purposes may be applied, with the approval of the

director of accounts in the department of revenue, in this act called the director, as general revenue for purposes of section 23 of chapter 59 of the General Laws. The director may establish rules and procedures that he considers appropriate relating to disbursements from the fund and the reporting and accounting for these disbursements.

SECTION 3. With respect to fiscal year 2007, and in any other year in which bonds or notes authorized under this act remain outstanding, no later than 10 days after the dissolution of the town's annual town meeting or June 1, whichever is earlier, the assessors and selectmen shall submit to the director of accounts a pro forma tax rate recapitulation for the following fiscal year. The director shall ascertain whether the town budget for that fiscal year contains reasonable revenues from taxation and other sources to meet the appropriations and other amounts required by law to be raised under section 23 of chapter 59 of the General Laws, and the director shall report his conclusion to the commissioner. With respect to fiscal year 2007, and in any other year in which bonds or notes authorized under this act remain outstanding, upon submission of the annual tax rate recapitulation, the director shall also ascertain whether the town budget for that fiscal year contains reasonable revenues from taxation and other sources to meet the appropriations and other amounts required by law to be raised under section 23 of chapter 59 of the General Laws, and the director shall report his conclusion to the commissioner. If the commissioner determines that the town budget as presented on the pro forma or annual tax rate recapitulation would not permit certification of the tax rate for the applicable fiscal year, he shall certify this determination in writing and provide notice of this determination with a copy of the certificate to the secretary of administration and finance of the commonwealth, the clerks of the senate and house of representatives, the board of selectmen of the town of Medway, and the town clerk of the town of Medway, and upon such notifications, the board shall immediately be established in the town with the powers and duties set forth in this act. In this case, no tax rate for the year shall be approved until submission of an annual tax rate recapitulation based on the actions the board has approved or taken to achieve a balanced budget.

The board shall consist of the deputy commissioner of the division of local services in the department of revenue or his designee, the director of accounts or his designee, and the chairman of the board of selectmen or his designee. The board shall initiate and assure the implementation of appropriate initiatives to secure the financial security of the town, and shall continue in existence until the end of the third complete fiscal year following its inception, unless the members by majority vote shall annually vote to continue the existence of the board from year to year after that date.

Until the board ceases to exist, no appropriation, borrowing authorization or transfer shall take effect until approved by the board. As used in the preceding sentence, a transfer shall not include a transfer by the finance committee from the reserve fund provided for in section 6 of chapter 40 of the General Laws. The board may approve an appropriation, borrowing authority or transfer, in whole or part. In addition to the authority and powers conferred elsewhere in this act, and notwithstanding any general or special law, town charter provision, or local by-law to the contrary, the board shall have the following authority:

(a) The authority, by majority vote, to amend at any time any appropriation, borrowing authority, transfer, or other municipal spending authority. The authority to amend shall include the power to increase or decrease an existing appropriation, borrowing authorization, transfer or spending authority; the authority to eliminate an existing appropriation, borrowing authorization, transfer or spending authority; and the power to create an appropriation, transfer or spending authority. In exercising its authority under this clause, the board may act with respect to municipal spending purposes that are not the subject of separately identified appropriations.

(b) If there is no annual budget lawfully established for a fiscal year by the first day of that fiscal year, the authority, by majority vote, to establish appropriations for that fiscal year that the board considers appropriate, and to amend, as provided in clause (a), these appropriations during the fiscal year.

(c) The authority, by majority vote, to encumber or impound, at any time, any unexpended or unencumbered appropriation or spending authority of any kind, notwithstanding the prior approval of the board of that appropriation or spending authority. To the extent that funds previously encumbered or impounded remain encumbered or impounded at the conclusion of the fiscal year, these amounts shall revert to the General Fund.

(d) In addition and without limitation of the other authority in this section, the independent authority, by majority vote, to establish, set, raise or lower any fee, rate or charge, for any service, license, permit or other municipal activity, otherwise within the authority of the town to establish, set, raise or lower. No such fee, rate or charge shall be established, set, raised or lowered without written notice to the selectmen at least 45 days before the effective date of that action.

Action by the board, under the authority of this act, shall in all respects constitute valid and lawful action by the town for purposes of chapters 40 , 41 , 44 , and 59 of the General Laws and for all municipal finance and other matters.

In each year during which the board continues in existence, the selectmen shall, at the same time as the annual budget is reported by the finance committee to the voters, provide to the board a copy of the proposed annual budget together with a supporting revenue and expenditure statement in such detail as the board may prescribe. The board shall review this budgetary information and may issue a report of its findings.

In order to promote and ensure the fiscal stability of the town of Medway, the board may also require the filing of a detailed annual work plan by each municipal department, which shall be approved by the selectmen, school committee, or other elected board as appropriate, setting forth certain actions that may be implemented by that department through its department head to ensure greater efficiency in the delivery of services by the town.

Each work plan shall be in such detail as the board may prescribe, and may include, but not be limited to, the following: (1) a plan for improved financial and spending controls; (2) budget guidelines and objectives for the fiscal year; (3) a professional and nonprofessional staffing plan; and (4) a plan for other proposed savings to be implemented.

Any such plan submitted by the school department shall be approved by the school committee before submission to the board.

During the course of each fiscal year in which the board is in existence, the board may require that a status report be filed with the board by each department head on a quarterly basis.

The board may waive any reporting or filing requirements contained in this section.

The board may prepare reports of its findings and issue recommendations for further action to the selectmen, school committee or other elected board, municipal department heads, or agencies of the commonwealth that the board determines appropriate. Members of the board who are employees or officers of the commonwealth or the town of Medway shall serve without compensation. The board may adopt such rules and procedures that it considers necessary and appropriate to effectuate the purposes of this act.

SECTION 4. The town accountant, or other official with responsibility for accounting matters, of the town of Medway shall have the powers and duties vested in this office by general or special law, and in addition, the powers and duties provided in this act. To the extent not otherwise inconsistent with this act, the town accountant shall also have the powers and duties provided by local by-law.

The town accountant shall, in addition to his other duties, provide, upon majority vote and at the written request of either the board of selectmen or the finance committee, within a reasonable time period from that request, an oral or written assessment, or both, as the selectmen or finance committee may request, of the current and future financial impact of the cost of any proposed appropriation, lease or contract arrangement for a term including more than 1 fiscal year, collective bargaining agreement or borrowing authorization, particularly, but not limited to, as such cost item would relate to the continuous provision of the existing level of municipal services. To the extent reasonable, this assessment shall include an analysis or other information of a financial nature that is specifically requested by the selectmen or the finance committee. The assessment and analysis shall be provided by the town accountant as his professional opinion.

SECTION 5. (a) Notwithstanding any general or special law, town charter provision or local by-law to the contrary, but subject to section 21C of chapter 59 of the General Laws, the town of Medway shall establish a special reserve fund for extraordinary and unforeseen expenditures, which fund shall be called the Supplemental Reserve Fund to Ensure Fiscal Stability. This fund shall be separate and in addition to any amounts appropriated under section 6 of chapter 40 of the General Laws.

(b) Commencing with fiscal year 2007 and for all later fiscal years, before the date when the tax rate is fixed, the board of assessors shall include in the amounts to be raised under section 23 of chapter 59 of the General Laws for such fiscal year an amount, the supplemental reserve fund sum, as determined under this act, to be certified to the board of assessors by the town accountant.

(c) The supplemental reserve fund sum for fiscal year 2007 shall be an amount equal to 0.25 per cent of the gross amount to be raised for the prior fiscal year as appearing on the

town's tax rate recapitulation for that prior year; the supplemental reserve fund sum for fiscal year 2008 shall be an amount equal to 0.50 per cent of the gross amount to be raised for the prior fiscal year as appearing on the town's tax rate recapitulation for that prior year; the supplemental reserve fund sum for fiscal year 2009 shall be an amount equal to 0.75 per cent of the gross amount to be raised for the prior fiscal year as appearing on the town's tax rate recapitulation for that prior year; the supplemental reserve fund sum for fiscal year 2010 shall be an amount equal to 1 per cent of the gross amount to be raised for the prior fiscal year as appearing on the town's tax rate recapitulation for the prior year; and the supplemental reserve fund sum for fiscal year 2011 and each subsequent fiscal year shall be an amount equal to 1.5 per cent of the gross amount to be raised for the prior fiscal year as appearing on the town's tax rate recapitulation for that prior year.

(d) In each year the amount required to be raised for this supplemental reserve fund may be reduced by the amount, if any, remaining in the supplemental reserve fund established for the preceding year after all expenditures have been made from that fund, as authorized in this act, and this remaining amount shall be retained in such supplemental reserve fund provided for the then current fiscal year.

(e) Transfers or expenditures may be made from the supplemental reserve fund of any fiscal year during that fiscal year only, and then only by the selectmen, and if the board continues in existence at the time of such transfer or expenditure, only with the approval of the board. Each transfer or expenditure request by the selectmen shall be accompanied by a written statement detailing the amount and the reason for the transfer or expenditure. Except for transfers or expenditures that are authorized in this act, there shall be no other transfers or reductions in the amount of this fund.

(f) All amounts required by this act to be raised for each fiscal year shall be certified to the board of assessors by the town accountant before the establishment of the tax rate for the then current fiscal year. While the board remains in existence, the board, to the extent it considers it appropriate to effectuate the purposes of this act, may waive in part or in whole the requirements of this section.

SECTION 6. No official of the town of Medway, except in the case of an emergency involving the health and safety of the people or their property, shall knowingly expend or cause to be expended in any fiscal year any sum in excess of that official's departmental or other governmental unit's appropriation duly made in accordance with the law, nor commit the town, nor cause it to be committed, to any obligation for the future payment of money in excess of that appropriation, with the exception of court judgments.

Any official who intentionally violates this section shall be personally liable to the town for any amounts expended in excess of an appropriation to the extent that the town does not recover these amounts from the person or persons to whom such amounts were paid. The superior court or a single justice of the supreme judicial court shall have jurisdiction to adjudicate claims brought by the town under this act and to order relief that the court finds appropriate to prevent further violations of this section. Any violation of this section shall be considered sufficient cause for removal.

SECTION 7. For the purposes of this act, the word "official" shall mean a town department head, permanent, temporary or acting, including the superintendent of schools, and all members of municipal boards, committees, including the school committee, and commissions which recommend, authorize or approve the expenditure of funds, and the word "emergency" shall mean a major disaster, including, but not limited to, flood, drought, fire, hurricane, earthquake, storm or other catastrophe, whether natural or otherwise, which poses an unexpected and immediate threat to the health and safety of persons or property.

SECTION 8. In any year during which bonds or notes authorized under this act remain outstanding, the commissioner of revenue shall not certify the annual tax rate of the town of Medway until an audit report for the preceding fiscal year has been received and accepted by the commissioner. The audit report shall be prepared by a certified public accountant in accordance with generally accepted auditing standards and shall include accompanying financial statements.

In any year during which bonds or notes authorized under this act remain outstanding, the town shall submit to the commissioner quarterly reports presenting a budget to actual comparison of revenues and expenditures. The written reports shall be submitted within 30 days after the conclusion of each fiscal quarter and shall be in such form and include such information and detail as the commissioner may prescribe.

In any year during which bonds or notes authorized by this act remain outstanding, the town shall not issue any bond, note or other form of indebtedness without written notification to, and the approval of, the commissioner.

SECTION 9. The vote of the town of Medway passed under article 2 of the warrant for the town meeting held on March 20, 2006, authorizing a borrowing for the purposes specified in section 1, is hereby ratified, validated and confirmed in all respects.

SECTION 10. This act shall take effect upon its passage.

Approved May 1, 2006.

Chapter 71. AN ACT AUTHORIZING THE ISSUANCE OF CERTAIN BONDS BY THE MANCHESTER ESSEX REGIONAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the Manchester Essex Regional School District may issue bonds for the purpose of constructing, originally equipping and furnishing a new district high school/middle school and for site preparation, development and equipping of related outdoor athletic and recreational facilities, including costs of design and construction supervision and costs of demolition of any existing buildings necessary in connection with this construction, for a term not exceeding 25 years, without regard to the term of any temporary loan issued in anticipation of these bonds.

Approved May 4, 2006.

Chapter 72. AN ACT ESTABLISHING A POST EMPLOYMENT HEALTH INSURANCE LIABILITY FUND IN THE TOWN OF SUDBURY.

Be it enacted, etc., as follows:

SECTION 1. The town of Sudbury may appropriate funds in order to offset the anticipated cost of health insurance contributions for retired employees, their spouses and eligible dependents and the surviving spouses and eligible dependents of deceased retirees. This amount shall be credited to a special fund to be known as the Post Employment Health Insurance Liability Fund. The fund shall be under the supervision and management of the town manager and under the custody of the town treasurer. The town treasurer may deposit the proceeds in national banks or invest the proceeds by deposit in savings banks, cooperative banks, or trust companies organized under the laws of the commonwealth or in federal savings and loan associations situated in the commonwealth or invest the funds in securities that are legal for the investment of funds of savings banks under the laws of the commonwealth. Any interest or other income earned by the fund shall be added to and become part of the fund. Amounts may be appropriated to the fund by any town meeting by a majority vote not to exceed the total liability developed by an actuarial study. Authorized disbursements shall be made from the fund in payment of contributions and premiums for the benefit of retirees and their eligible dependents and surviving spouses and for costs associated with conducting the actuarial study without further appropriation. The town manager may employ any qualified bank, trust company, corporation, firm or person for advice on the investment of the fund and or to prepare an actuarial study and may pay for this advice or service from this fund.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 2006.

Chapter 73. AN ACT CHANGING THE MEMBERSHIP OF THE HISTORIC DISTRICT COMMISSION OF THE TOWN OF SUDBURY.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 40 of the acts of 1963 is hereby amended by striking out the words "one member shall be appointed from two nominees of the Sudbury Historical Society whose initial appointment shall be for the term of the remainder of the calendar year in which such appointment is made and two years thereafter; one member shall be appointed from among the voters of the historic district, whose initial appointment shall be for the term of the remainder of the calendar year in which such appointment is made and three years thereafter; one member shall be appointed from two nominees of the conservation commission of the town of Sudbury whose initial appointment shall be for the term of the remainder of the calendar year in which such appointment is made and four years thereafter;

and one member shall be appointed from two nominees of the commission on historic structures of the town of Sudbury,", in lines 11 to 23, and inserting in place thereof the following words:- where possible, 3 members shall be appointed from among the voters of the various historic districts, whose initial appointment shall be for the term of the remainder of the calendar year in which the appointment is made and 3 years thereafter; and 1 member shall be appointed from 2 nominees of the Sudbury Historical Commission,.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 2006.

Chapter 74. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF CANTON AS THE SAMUEL "SAM" SWARDLICK BRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The bridge located on High street in the town of Canton shall be designated and known as the Samuel "Sam" Swardlick Bridge. The department of highways shall erect and maintain a suitable marker on the bridge bearing this designation in compliance with the standards of the department.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 2006.

Chapter 75. AN ACT REGULATING FINANCING OF CONSTRUCTION OF SEWER SYSTEM EXTENSIONS IN THE TOWN OF CONCORD.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the town of Concord may charge an interest rate for betterment assessments equal to the interest cost to the town for financing each phase of the comprehensive wastewater management plan.

Notwithstanding any general or special law to the contrary, the board of assessors of the town of Concord may, at the request of the owner of the land assessed, apportion all assessments for sewer projects in the town or unpaid balances of those assessments, inclusive of current and projected future interest charges, into not more than 20 annual payments such that the amounts payable in the several years for principal and interest combined are as nearly equal as practicable. These equal portions may be further apportioned and collected by the town on quarterly tax bills or a single tax bill at the option of the town. An owner of land assessed may pay the total unapportioned amount due without a prepayment penalty.

Approved May 4, 2006.

Chapter 76. AN ACT RELATIVE TO HEALTH INSURANCE COVERAGE FOR PAID ELECTED OFFICIALS IN THE TOWN OF SANDWICH.

Be it enacted, etc., as follows:

Notwithstanding chapter 32B of the General Laws, part-time elected officials of the town of Sandwich who receive a salary or a stipend shall not be eligible for participation in the town's contributory health and life insurance plan, except that those part-time officials who were elected before April 1, 2005 and currently participate in that plan shall be eligible to continue to participate until the end of their current term. Part-time elected officials who receive a salary or a stipend and who elect to pay 100 per cent of the cost of the official's participation in the town's health and life insurance benefit plan, plus any administrative costs that may be assessed by the board of selectmen, may be considered eligible to participate.

Approved May 4, 2006.

Chapter 77. AN ACT FURTHER REGULATING MUNICIPAL TRANSFERS OF APPROPRIATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further regulate forthwith municipal transfers of appropriations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 44 of the General Laws is hereby amended by striking out section 33B, as appearing in the 2004 Official Edition, and inserting in place thereof the following section:-

Section 33B. (a) On recommendation of the mayor, the city council may, by majority vote, transfer any amount appropriated for the use of any department to another appropriation for the same department. In addition, the city council may, by majority vote, on recommendation of the mayor, transfer within the last 2 months of any fiscal year, or during the first 15 days of the new fiscal year to apply to the previous fiscal year, an amount appropriated for the use of any department other than a municipal light department or a school department to the appropriation for any other department, but the amount transferred from 1 department to another may not exceed, in the aggregate, 3 per cent of the annual budget of the department from which the transfer is made. Except as provided in the preceding sentence, no transfer shall be made of any amount appropriated for the use of any city department to the appropriation for any other department except by a 2/3 vote of the city council on recommendation of the mayor and with the written approval of the amount of the transfer by the department having control of the appropriation from which the transfer is proposed to be

made. No transfer involving a municipal light department or a school department shall be made under the previous sentence without the approval of the amount of the transfer by a vote of the municipal light department board or by a vote of the school committee, respectively.

(b) A town may, by majority vote at any meeting duly held, transfer any amount previously appropriated to any other use authorized by law. Alternatively, the selectmen, with the concurrence of the finance committee or other entity establish under section 16 of chapter 39, may transfer within the last 2 months of any fiscal year, or during the first 15 days of the new fiscal year to apply to the previous fiscal year, any amount appropriated for the use of any department other than a municipal light department or a school department to the appropriation for any other department or within a department, but the amount transferred from 1 department to another or within a department may not exceed, in the aggregate, 3 per cent of the annual budget of the department from or within which the transfer is made or $5,000, whichever is greater.

(c) No approval other than that expressly provided in this section shall be required for any transfer under this section.

Approved May 4, 2006.

Chapter 78. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND TO THE TOWN OF MILFORD.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the conveyance of certain land to the town of Milford, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance may convey to the town of Milford for nominal consideration, notwithstanding sections 40F to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law or rule or regulation to the contrary, by deed upon acceptance by the board of selectmen of said town, a parcel of state-owned land located in said town, formerly under the care and control of the armory commission, for use by said town for municipal or any other public purpose, including the leasing of said property to not-for-profit organizations. The parcel, as shown on a deed dated May 27, 1911, and recorded in the Worcester district registry of deeds, Book 1970, Page 423. The exact boundaries of the parcel shall be determined by the commissioner in consultation with the military division after completion of a survey.

SECTION 2. The town of Milford shall pay for all costs of any survey and deed preparation for the conveyance of the property authorized by this act, as considered necessary by the commissioner of capital asset management and maintenance.

SECTION 3. If the property ceases to be used at any time for the purpose described in section 1, or is used for any purpose other than the purpose stated in section 1, the property, upon notice by the commissioner of capital asset management and maintenance, shall revert to the care and control of the commonwealth and any further disposition of the property shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, and shall require the prior approval of the general court.

Approved May 12, 2006.

Chapter 79. AN ACT FURTHER REGULATING MEETINGS OF MUNICIPAL BOARDS.

Be it enacted, etc., as follows:

Chapter 39 of the General Laws is hereby amended by inserting after section 23C the following section:-

Section 23D. (a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

(b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section.

Approved May 12, 2006.

Chapter 80. AN ACT RELATIVE TO THE REPORTING OF FIRES IN SCHOOLS.

Be it enacted, etc., as follows:

SECTION 1. Section 37L of chapter 71 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "nineteen", in line 5,

the following words:- , and the reporting requirements relating to fires in section 2A of chapter 148.

SECTION 2. Chapter 148 of the General Laws is hereby amended by inserting after section 2 the following section:-

Section 2A. The principal of any public or private school that provides instruction to pupils in any of grades 1 to 12, inclusive, shall immediately report any incident involving the unauthorized ignition of any fire within the school building or on school grounds to the local fire department. The principal shall submit a written report of the incident to the head of the fire department within 24 hours on a form furnished by the department of fire services. The report shall be filed without regard to the extent of the fire or whether there was a response by the fire department. The head of the fire department shall report such incident to the marshal in accordance with section 2.

Approved May 12, 2006.

Chapter 81. AN ACT ESTABLISHING A TASK FORCE WITHIN THE BOARD OF REGISTRATION IN MEDICINE TO STUDY MEDICAL SPAS.

Be it enacted, etc., as follows:

SECTION 1. The Board of Registration in Medicine shall convene a task force to report and draft standards and regulations. The task force shall study medical spas and the use of related procedures including, but not limited to laser light and radiofrequency devices, chemical peels, soft tissue fillers or augmentation, microdermabrasion techniques, laser hair removal, botulinum toxin, sclerotherapy and any act or procedure that uses a biologic or synthetic material, chemical application, mechanical device or displaced energy of any kind. The task force's study shall address, but not be limited to, the following areas: (a) current laws and regulations; (b) other states' laws, regulations, and efforts; (c) licensure or registration; (d) training; and (e) supervision and oversight.

SECTION 2. The task force shall consist of 2 representatives from each of the following agencies: the board of registration in medicine, to be selected by the executive director of the board of registration in medicine; the board of registration in cosmetology, to be selected by the executive director of the board of registration in cosmetology; and the board of registration in nursing, to be selected by the executive director of the board of registration in nursing. The task force shall also include 1 member of the house of representatives, and 1 member of the senate. The task force shall also include a practicing licensed registered nurse, a practicing licensed dermatologist and 5 additional representatives, to be chosen by the executive director of the board of medicine from among public health and medical experts. The task force may consult with other government agencies, both federal and state as well as members of the dermatologic community and other consultants.

SECTION 3. The task force shall submit a report, including any draft standards and regulations, to the joint committee on health care financing, the joint committee on public health and the joint committee on consumer affairs and professional licensure within 12 months after the effective date of this act.

Approved May 12, 2006.

Chapter 82. AN ACT ESTABLISHING VOTING DISTRICTS IN THE TOWN OF LEE.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 665 of the acts of 1968 is hereby amended by striking out, in lines 2 and 5, the word "precincts" and inserting in place thereof, in each instance, the following word:- districts.

SECTION 2. Section 3 of said chapter 665 is hereby amended by striking out, in lines 3, 4, 5, 6 and 8, the word "precinct" and inserting in place thereof, in each instance, the following word:- district.

SECTION 3. Section 4 of said chapter 665 is hereby amended by striking out, in lines 2 and 5, the word "precincts" and inserting in place thereof the following word:- districts.

SECTION 4. Said section 4 of said chapter 665 is hereby further amended by striking out, in line 6, the word "precinct" and inserting in place thereof the following word:- district.

SECTION 5. Section 7 of said chapter 665 is hereby amended by striking out, in line 1, the word "precincts" and inserting in place thereof the following word:- districts.

SECTION 6. Said section 7 of said chapter 665 is hereby further amended by striking out, in line 7, the word "precinct" and inserting in place thereof the following word:- district.

SECTION 7. Section 8 of said chapter 665 is hereby amended by striking out, in line 1, the word "precincts" and inserting in place thereof the following word:- districts.

SECTION 8. Section 9 of said chapter 665 is hereby amended by striking out, in lines 2, 4 and 9, the word "precincts" and inserting in place thereof, in each instance, the following word:- districts.

SECTION 9. Said section 9 of said chapter 665 is hereby further amended by striking out, in lines 6, 7 and 8, the word "precinct" and inserting in place thereof, in each instance, the following word:- district.

SECTION 10. Section 10 of said chapter 665 is hereby amended by striking out, in lines 1, 2, 5 and 7, the word "precincts" and inserting in place thereof, in each instance, the following word:- districts.

SECTION 11. Section 11 of said chapter 665 is hereby amended by striking out, in lines 1 and 2, the word "precincts" and inserting in place thereof the following word:- districts.

SECTION 12. Section 12 of said chapter 665 is hereby amended by striking out, in line 4, the word "precinct" and inserting in place thereof the following word:- district.

SECTION 13. Section 14 of said chapter 665 is hereby amended by striking out, in lines 1, 2, 3 and 5 the word "precinct" and inserting in place thereof, in each instance, the following word:- district.

SECTION 14. Said section 14 of said chapter 665 is hereby further amended by striking out, in line 3, the word "precincts" and inserting in place thereof the following word:- districts.

SECTION 15. Section 15 of said chapter 665 is hereby amended by striking out, in line 5, the word "precinct" and inserting in place thereof the following word:- district.

SECTION 16. Section 16 of said chapter 665 is hereby amended by striking out, in lines 2, 4, and 6, the word "precinct" and inserting in place thereof, in each instance, the following word:- district.

SECTION 17. Section 17 of said chapter 665 is hereby amended by striking out, in lines 4 and 6, the word "precinct" and inserting in place thereof, in each instance, the following word:- district.

SECTION 18. Section 18 of said chapter 665 is hereby amended by striking out, in lines 1, 2, and 3, the word "precinct" and inserting in place thereof, in each instance, the following word:- district.

SECTION 19. Section 19 of said chapter 665 is hereby amended by striking out, in line 3, the word "precinct" and inserting in place thereof the following word:- district.

SECTION 20. Said section 19 of said chapter 665 is hereby further amended by striking out, in lines 6 and 7, the word "precincts" and inserting in place thereof, in each instance, the following word:- districts.

SECTION 21. Section 20 of said chapter 665 is hereby amended by striking out, in line 4, the word "precinct" and inserting in place thereof the following word:- district.

SECTION 22. Section 21 of said chapter 665 is hereby amended by striking out, in lines 2, 3, 5 and 6, the word "precinct" and inserting in place thereof, in each instance, the following word:- district.

SECTION 23. Section 22 of said chapter 665 is hereby amended by striking out, in line 1, the word "precinct" and inserting in place thereof the following word:- district.

SECTION 24. Section 24 of said chapter 665 is hereby amended by striking out, in line 5, the word "precincts" and inserting in place thereof the following word:- districts.

SECTION 25. Section 32 of said chapter 665 is hereby amended by striking out, in line 2, the word "precinct" and inserting in place thereof the following word:- district.

SECTION 26. Section 34 of said chapter 665 is hereby amended by striking out, in line 4, the word "precincts" and inserting in place thereof the following word:- districts.

Approved May 12, 2006.

Chapter 83. AN ACT AUTHORIZING THE TOWN OF MASHPEE TO GRANT A CERTAIN EASEMENT.

Be it enacted, etc., as follows:

SECTION 1. The town of Mashpee, acting by and through its board of selectmen, may grant an easement in, on, over and across a certain parcel of conservational agricultural land to the United States of America for the purpose of conducting environmental investigations and remediation activities with respect to a fuel spill. The parcel is shown as Tract No. 101E on a plan of land entitled "Easement Plan on Land in Mashpee, MA", dated March 22, 2002 drawn by Norwood Engineering Company, Inc. The property shall be used solely for the purposes of conducting environmental investigations and remediation activities as described above. When the investigation and remediation have been completed, the easement shall be extinguished and the town of Mashpee shall use the property thereafter solely for conservation, agricultural and open space purposes.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 2006.

Chapter 84. AN ACT RELATIVE TO THE CITY OF PEABODY MUNICIPAL LIGHT PLANT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 129C of chapter 149 of the General Laws, linemen and troublemen employed by the city of Peabody municipal light plant may work on live wires, electrical equipment or other energized electrical conductors in excess of 15,000 volts phase-to-phase or 8,500 volts phase-to-ground directly with rubber gloves, when de-energizing is not feasible and only when following the applicable provisions of the NFPA 70E, Standard for Electrical Safety in the Workplace, 2004 Edition, Articles 110, 120 and 130, concerning proper safe work practices, personal protective equipment and clothing.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 2006.

Chapter 85. AN ACT MODIFYING THE POWERS OF THE TRANSPORTATION BOARD OF THE TOWN OF BROOKLINE.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 317 of the acts of 1974 is hereby amended by striking out the third and fourth paragraphs and inserting in place thereof the following 3 paragraphs:-

No such adoption, alteration or repeal of a rule or regulation shall take effect, except for special rules or regulations that are declared by the board to be urgently required for public safety or welfare or are of temporary nature and are able to be effective for a period of not more than 60 days, until 30 days have expired after both publication in a newspaper published or distributed in the town and action on any appeal petition filed under this section.

Upon the filing of a petition with the board by not less than 20 registered voters of the town seeking the adoption, alteration or repeal of any rule or regulation under this section, the board shall hold an evening public hearing on that petition within 30 days after the petition has been filed. Petition forms for this purpose shall be available in the office of the board.

Upon the filing of an appeal petition with the board of selectmen by not less than 20 registered voters of the town within 21 days after either the adoption, alteration or repeal of any rule or regulation under this section or the action or inaction of the board on a citizen petition, the board of selectmen shall hold an evening public hearing on the petition within 30 days after the petition has been filed. Petition forms for this purpose shall be available in the office of the board of selectmen. A majority vote of the board of selectmen shall be required to overturn an action of the transportation board. If the board action is not overturned by the selectmen, within 21 days after the conclusion of the selectmen's hearing, not less than 30 registered voters of the town may file with the town clerk an appeal of this action of the board. The appeal shall contain a warrant article which shall be included in the warrant for the next town meeting, which, by a two-thirds vote, may determine that there is either a general policy issue or a serious safety issue and may overturn the board action. For a general policy issue, town meeting may also, by a two-thirds vote, pass a by-law modifying the board action.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 2006.

Chapter 86. AN ACT ESTABLISHING A SICK LEAVE BANK FOR JEAN SIMONELLI, AN EMPLOYEE OF THE DEPARTMENT OF REVENUE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of revenue, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the department of revenue shall establish a sick leave bank for Jean Simonelli, an employee of the inspectional services division of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Jean Simonelli. Whenever Jean Simonelli terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved May 19, 2006.

Chapter 87. AN ACT ESTABLISHING A SICK LEAVE BANK FOR JOHN LAVOIE, AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of correction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the department of correction shall establish a sick leave bank for John Lavoie, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by John Lavoie. Whenever John Lavoie terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved May 19, 2006.

Chapter 88. AN ACT DESIGNATING THE SOUTH BOSTON COURT HOUSE AS THE CHIEF JUSTICE JOSEPH F. FEENEY COURT HOUSE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to designate the South Boston Court House as the Chief Justice Joseph F. Feeney Court House, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The court house on East Broadway in the South Boston section of the city of Boston shall be designated and known as the Chief Justice Joseph F. Feeney Court House. The division of capital asset management and maintenance shall erect suitable markers bearing this designation in compliance with any applicable standards.

Approved May 19, 2006.

Chapter 89. AN ACT AUTHORIZING THE TOWN OF AYER TO CONVEY CERTAIN LAND.

Be it enacted, etc., as follows:

SECTION 1. The historical commission of the town of Ayer may transfer care, custody and control of a certain parcel of historic preservation land formerly used as the Pleasant Street school to the board of selectmen of the town. The board of selectmen may convey the land with improvements thereon to the Ayer Housing Authority. This parcel of land is more particularly described in deeds from: John G. Park, et al, to the town of Ayer, dated May 16, 1893, and recorded in the southern district registry of deeds in Middlesex county, in book 2200, page 510; Mary G. Paine to the town of Ayer, dated May 7, 1906, and recorded in that registry in book 3229, page 526; and Levi W. Phelps to the town of Ayer, dated April 30, 1906, and recorded in that registry in book 3229, page 533.

The conveyance of the land shall be subject to the following terms and conditions:

1. the premises shall be subject to a recorded preservation restriction on the exterior envelope of the building, in perpetuity, approved by the Massachusetts historical commission;

2. the premises shall be restricted to the development of senior housing units, which may include ancillary facilities such as a community room or other room or rooms to be used for public or community purposes, of which 100 per cent shall be subject to a perpetual affordable housing restrictions acceptable to the board of selectmen and approved by the United States Department of Housing and Urban Development.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 2006.

Chapter 90. AN ACT EXTENDING ELIGIBILITY FOR HEALTH INSURANCE FOR SCHOOL EMPLOYEES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith health insurance for certain school employees, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 2 of chapter 32B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "Teachers", in line 56, the following words:- and all other public school employees.

Approved May 19, 2006.

Chapter 91. AN ACT INCREASING THE SPEED LIMIT FOR BOATING WITHIN THE NARROWS IN GLEN ECHO LAKE IN THE TOWN OF CHARLTON.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or regulation to the contrary, the speed limit for motor boating through The Narrows of Glen Echo Lake in the town of Charlton shall be 35 miles per hour within a clearly marked channel. The channel shall have a minimum width of 120 feet. Swimming shall be prohibited within the channel.

Emergency Letter: May 31, 2006 @ 2:05 P.M. Approved May 31, 2006.

Chapter 92. AN ACT AUTHORIZING THE TOWN OF CANTON TO GRANT CERTAIN EASEMENTS.

Be it enacted, etc., as follows:

SECTION 1. The town of Canton may grant permanent slope and support easements to Pequit Development Partners, LLC, and its successors and assigns over a certain portion of town land described in deeds recorded with the Norfolk county registry of deeds at Book 1894, page 532, book 1703, page 297 and book 1734, page 495, this land having been purchased by the town of Canton in the town of Stoughton for water supply purposes. The permanent easement areas on the town land are shown on a plan of land entitled "Sketch Plan A (6' to 7' Wall and Riprap) 10/10/05", prepared by Carter Burgess, on file with the town of Canton conservation commission and to be recorded with the Norfolk county registry of deeds. Minor modifications to the easement description set forth in the plan described above

may be made to conform to a final land survey of the town land or to further the purposes of this act. The town of Canton may also grant to Pequit Development Partners, LLC, and its successors and assigns a temporary access easement to enter onto the town land for access to and use of the slope easement. Any such temporary access easement shall terminate on June 1, 2008.

SECTION 2. The easements authorized in section 1 shall be appurtenant to Pequit Development Partners, LLC's land, which abuts town land and is shown as lot A on a plan drawn by Robert B. Bellamy, surveyor, dated February 7 and 20, 1947, as modified and approved by the land court and filed in the land registration office as No. 20744A, a copy of a portion of which is filed in the Norfolk registry of deeds with certificate no. 40353, book 202. These easements shall be used by Pequit Development Partners, LLC to effect the grading and support of slopes adjacent to its property and to implement related conservation measures, all in furtherance of the construction of an affordable housing project authorized by the town of Canton on property of Pequit Development Partners, LLC.

SECTION 3. In consideration of the easements authorized in section 1, Pequit Development Partners, LLC shall grant to the town of Canton an access easement over its property, a form of which is on file with the town, and shall implement mitigation measures outlined in its October 19, 2005 meeting with the Canton conservation commission. These mitigation measures shall consist of performing $65,000 of work on the property of the Canton conservation commission, including, but not limited to, cleaning trash from the property, repairing a trail system, building 2 bridges, blocking vehicle access to the property and restoring the gravel pit.

SECTION 4. This act shall take effect upon its passage.

Approved May 31, 2006.

Chapter 93. AN ACT AUTHORIZING THE TOWN OF WESTBOROUGH TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF WINES AND MALT BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Westborough may grant to the Sean and Gerry's Fresh Market, LLC, at 50 East Main street, a license for the sale of wines and malt beverages not to be drunk on the premises pursuant to section 15 of said chapter 138. The license shall be subject to all of said chapter 138 except said section 17. The licensing authority shall not approve the transfer of the license to any other person, organization, corporation or location.

SECTION 2. This act shall take effect upon its passage.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on May 23, 2006, and in concurrence by the Senate on May 24, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 94. AN ACT VALIDATING THE PROCEEDINGS OF THE ANNUAL TOWN ELECTIONS IN THE TOWN OF ROYALSTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 10 of chapter 39 of the General Laws or any other general or special law to the contrary, all acts, votes and proceedings taken by the town of Royalston at its annual town election held on April 4, 2005, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed, to the same extent as if the warrant for that election had been executed in full compliance with the law.

SECTION 2. This act shall take effect upon its passage.

Approved June 6, 2006.

Chapter 95. AN ACT AUTHORIZING A STABILIZATION FUND FOR THE BOURNE WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 441 of the acts of 1938, as most recently amended by section 1 of chapter 135 of the acts of 2004, is hereby further amended by inserting after section 7 the following section:-

Section 7A. Notwithstanding the provisions of section 5B of chapter 40 of the General Laws or any other general or special law to the contrary, the district may appropriate in any year an amount not exceeding 10 per cent of the receipts from taxes, rates, and service of the preceding fiscal year for the purpose of creating a stabilization fund.

SECTION 2. This act shall take effect upon its acceptance at a meeting of the Bourne Water District.

Approved June 6, 2006.

Chapter 96. AN ACT REGULATING BETTERMENT ASSESSMENTS IN THE TOWN OF MARION.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 15B of chapter 83 of the General Laws or any other general or special law to the contrary, the town of Marion may assess and collect estimated sewer assessments in connection with the construction of water pollution collection, pumping, treatment and disposal facilities for main collection lines and work to be completed on individual and privately held lots and land, including but not limited to the costs associated with the installation of grinder pumps and appurtenant devices, equipment and utilities, and the discontinuance of wastewater disposal systems that may be present at the time the individual lots and lands are connected to the public wastewater treatment system.

SECTION 2. Notwithstanding any general or special law to the contrary or section 1, the total amount of these estimated sewer assessments shall not exceed one-half of the town of Marion's liability under all contracts it has entered into for the construction of these facilities and the other work referenced in said section 1. The town shall allocate the total of these estimated assessments on an equitable basis.

SECTION 3. Notwithstanding any general or special law to the contrary, or the provisions of sections 1 and 2, when the final costs of construction of the work as described in said section 1 have been determined, the town of Marion may assess and collect the actual costs of construction, removal or improvement of the facilities so constructed, removed or improved. The town shall allocate the costs for main collection lines on a proportionate basis consistent with chapter 80 of the General Laws and shall allocate the remaining costs on an actual cost per lot basis. These assessments may be payable over a period not to exceed 30 years.

SECTION 3A. Notwithstanding any general or special law to the contrary, the town of Marion may assess and collect interest on sewer assessments at a rate equal to that chargeable to the town of Marion.

SECTION 4. This act shall take effect upon its passage.

Approved June 6, 2006.

Chapter 97. AN ACT AUTHORIZING RECALL ELECTIONS IN THE TOWN OF FRAMINGHAM.

Be it enacted, etc., as follows:

SECTION 1. Chapter 143 of the acts of 1949, as amended by chapter 54 of the acts of 1992, is hereby further amended by adding the following section:-

Section 11. (1) With the exception of the members of the housing authority, who are subject to section 6 of chapter 121B of the General Laws, any person who has held an elected townwide office for at least 6 months, and whose term of office extends beyond the next annual election, may be recalled from that office by the voters of the town of Framingham in the manner provided in this section.

(2) At least 150 days before the next scheduled election in the town, the voters of the town of Framingham may file with the town clerk a recall affidavit, on a form provided by the town clerk, containing the name of the official whose recall is sought and a statement of the grounds upon which the affidavit is based, but a minimum of 12 names of voters shall be from each of the voting precincts into which the town is divided. Valid grounds for a recall are:

(a) conviction of a felony criminal offense while in current office;

(b) violation of chapter 268A of the General Laws; or

(c) attendance at less than 30 per cent of the meetings of the board or committee of which the official was an elected member during the previous 6 months without a validated medical condition preventing participation.

The town clerk shall, within 1 working day after receiving the recall affidavit, submit the affidavit to the registrars of voters. The registrars of voters shall, within 5 working days after receiving the affidavit, certify the affidavit with regard to the sufficiency and validity of the signatures of voters. If the affidavit shall be certified by the registrars of voters, the town clerk shall, within 5 working days after the certification, deliver to the first 10 voters named on the affidavit, petition blanks demanding the recall, printed forms of which the town clerk shall keep available. The blanks shall be signed by the town clerk with the official town seal attached to them. The blanks may be completed by printing or typewriting. They shall contain the names of the 10 persons to whom they are issued; the name of the official whose recall is sought, the grounds for recall as stated in the affidavit; and a demand for the election of a successor to that office. A copy of the affidavit shall be entered in a record book to be kept in the office of the town clerk.

The recall petitions shall be returned to the town clerk within 30 days after the date they are issued, signed by at least 5 per cent of the total number of registered voters in the town. The town clerk shall, within 1 working day after this filing, submit the petitions to the registrars of voters who shall within 15 working days after the petitions have been submitted certify on the petitions the number of signatures which are names of voters.

(3) If the petition shall be certified by the registrars of voters to be sufficient, the town clerk shall immediately submit the petition, with a certificate, to the board of selectmen. Upon the official receipt of the certified petition, the board of selectmen shall immediately give notice in writing of the petition and certificate to the official whose recall is sought. If that official does not resign from office within 5 working days after delivery of this notice, the board of selectmen shall order a recall election to be held in conjunction with the next following annual town election. If a vacancy occurs in the office after the recall election has

been ordered, the election shall nevertheless proceed as provided in this section to fill the vacancy, but the recall questions need not be placed on the ballot.

(4) An official whose recall is sought may not be a candidate to succeed himself in the recall election. The nomination of candidates, the publication of the warrant for the recall election and the conduct of the election shall be in accordance with the law relating to elections unless otherwise provided in this section.

(5) Ballots used at the recall elections shall state the proposition in the order indicated:

For the recall of (name of official) who holds the position of (name of elected position)

Against the recall of (name of official) who holds the position of (name of elected position)

Adjacent to each proposition shall be a place to vote for either of the propositions. After the propositions shall appear the word "candidates", the name of the elected position and the names of the candidates for the position, arranged in accordance with the law relating to elections. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes cast shall be declared elected. If the majority of the votes cast is in the negative, the ballots for candidates need not be counted.

(6) The incumbent shall continue to perform the duties of the elected office until the recall election. If then not recalled, the incumbent shall remain in the elected position for the remainder of the unexpired term, subject to recall as provided by paragraph (7).

If recalled at the election, the incumbent shall be considered to be removed upon the qualification of a successor, who shall hold the position during the unexpired term. If the successor fails to qualify within 5 working days after receiving notification of election, the incumbent shall be considered removed and the position declared vacant.

(7) No recall petition shall be filed against an elected official subjected to a recall election and not recalled by that election until at least 12 months after the election at which the recall was submitted to the voters.

(8) No person who has been recalled from an elected position, or who has resigned from the position while recall proceedings are pending against him, shall be appointed to any town position within 2 years after the recall or resignation.

(9) The timetable from the date upon which the recall affidavit is submitted to the order of a recall election shall be as follows:

(a) Voters file a recall affidavit, with 12 names of voters from each of the voting precincts, at least 150 days before the annual town election;

(b) The town clerk shall, within 1 working day after receiving the recall affidavit, submit the affidavit to the registrars of voters;

(c) The registrars of voters shall, within 5 working days after receiving the recall affidavit, certify the affidavit;

(d) The town clerk shall, within 5 working days after receiving the certification, deliver petition blanks to the first 10 voters named on the affidavit;

(e) The recall petitions shall be returned to the town clerk within 30 days after the date they are issued, signed by at least 5 per cent of the total number of registered voters;

(f) The town clerk shall, within 1 working day after this filing, submit the petitions to the registrars of voters;

(g) The registrars of voters shall, within 15 working days after the petitions have been submitted, certify the number of signatures on the petitions;

(h) The town clerk shall immediately submit the petition, with a certificate, to the board of selectmen who shall immediately give notice of the petition and certificate to the official whose recall is sought;

(i) If the official does not resign from office within 5 working days after delivery of the notice, the board of selectmen shall order a recall election in conjunction with the next following annual town election.

SECTION 2. This act shall take effect upon its passage.

Approved June 6, 2006.

Chapter 98. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN CARVER AS THE SFC ROBERT ROONEY BRIDGE.

Be it enacted, etc., as follows:

The bridge being constructed spanning Brook street in the town of Carver shall be designated and known as the SFC Robert Rooney bridge, in memory of Robert Rooney who served his country in Iraq. The department of highways shall erect suitable markers bearing said designation in compliance with the standards of the department.

Approved June 6, 2006.

Chapter 99. AN ACT RELATIVE TO THE ENVIRONMENTAL TRUST.

Be it enacted, etc., as follows:

Subsection (a) of section 7A of chapter 236 of the acts of 1988, as most recently amended by section 8 of chapter 469 of the acts of 1996, is hereby further amended by adding the following sentence:- Project grants may also include monies for land acquisition and construction of paths and local bikeways to provide greater public access to the harbors and bays as part of the purposes of the trust fund.

Approved June 7, 2006.

Chapter 100. AN ACT RELATIVE TO THE USE OF CERTAIN LAND IN THE TOWN OF STOCKBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 241 of the acts of 1910 and chapter 67 of the special acts of 1919, the town of Stockbridge may use the real property transferred, assigned, set over and conveyed to the inhabitants of the town of Stockbridge by the trustees of the Williams Academy in a warranty deed entitled "Proprietors and Trustees of Williams Academy to Inhabitants of Stockbridge," dated March 16, 1911, and by the Laurel Hill Association in a deed entitled "Laurel Hill Association to Inhabitants of the Town of Stockbridge," dated March 25, 1920, free of any restrictions contained in said chapter 241 and said chapter 67 for any lawful purpose that the town considers appropriate.

SECTION 2. This act shall take effect upon its acceptance by a majority of the voters of the town of Stockbridge.

Approved June 7, 2006.

Chapter 101. AN ACT AMENDING THE LAW ESTABLISHING THE NORTHERN BERKSHIRE INDUSTRIAL PARK AND DEVELOPMENT CORPORATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to amend the law establishing the Northern Berkshire Industrial Park and Development Corporation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 758 of the acts of 1985 is hereby amended by striking out the definition of "Department" and inserting in place there of the following definition:-

"Department", the department of housing and community development.

SECTION 1A. The definition of "Economic development area" of said section 1 of said chapter 758, is hereby amended by striking out, in line 1, the words "any blighted, or any" and inserting in place thereof the following words:- a blighted open area, substandard area or.

SECTION 2. The definition of "Economic development project" of said section 1 of said chapter 758 is hereby amended by adding the following 2 sentences:- An economic development project may include development, construction or rehabilitation of housing, conversion of underutilized manufacturing uses to residential use, or development and construction of mixed use projects with both residential and commercial uses. An economic

development project may also include the development and construction of affordable housing.

SECTION 2A. Said section 1 of said chapter 758 is hereby further amended by striking out the definition of "Secretary" and inserting in place thereof the following definition:-

"Secretary", the director of housing and community development.

SECTION 3. Section 2 of said chapter 758 is hereby amended by striking out the third and fourth paragraphs and inserting in place thereof the following paragraph:-

The board of directors shall be appointed by the governor and shall annually choose from its members a chairman and vice-chairman. The governor shall make 3 initial appointments of members of the board, of whom 1 member shall reside in the town of Adams, 1 member shall reside in the city of North Adams, and 1 member shall reside in the town of Williamstown. Of these 3 members 1 shall be initially appointed for the term of 1 year, 1 for the term of 2 years and 1 for the term of 3 years; thereafter the term of each such member shall be 3 years. Upon their appointment the 3 members shall nominate for appointment by the governor 6 additional members, of whom at least 2 shall reside in Hancock, New Ashford, Cheshire, Florida, Clarksburg or Savoy. Of these 6 members, 2 shall be initially appointed for terms of 1 year; 2 shall be initially appointed for terms of 2 years; and 2 shall be initially appointed for terms of 3 years. Each subsequent appointment of a member shall be made by the governor from among persons nominated by majority vote of the then serving members of the board and shall be for a term of 3 years. If a successor to any member is not timely appointed that member shall serve until the member's successor is appointed. In the event of a vacancy in the office of any member, a successor shall be appointed, in like manner as the member was appointed, to serve for the balance of any unexpired term or for a full term if the prior member's term has expired. The end dates of terms shall be determined as if all prior appointments of members had been timely made without any prior members being held over in office.

SECTION 4. The fifth paragraph of said section 2 of said chapter 758 is hereby amended by striking out, in line 4, the words, "and after approval by the department".

SECTION 5. Upon the effective date of this act, the terms of the members of the directors of the Northern Berkshire Industrial Park and Development Corporation then serving shall expire, and new members shall be appointed as provided in section 3.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on May 23, 2006, and in concurrence by the Senate on June 1, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 102. AN ACT ESTABLISHING A SICK LEAVE BANK FOR SHELLEY NUNES, AN EMPLOYEE OF THE BARNSTABLE DISTRICT COURT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the Barnstable district court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Shelley Nunes, an employee of the Barnstable district court. Any employee within the Barnstable county district court system may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Shelley Nunes. Whenever Shelley Nunes terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.

Approved June 13, 2006.

Chapter 103. AN ACT ESTABLISHING A SICK LEAVE BANK FOR DEBRA A. FLAGG, AN EMPLOYEE OF THE DEPARTMENT OF MENTAL RETARDATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of mental retardation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the department of mental retardation shall establish a sick leave bank for Debra A. Flagg, an employee of the Wrentham Development Center. Any employee of the department of mental retardation may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Debra A. Flagg. When Debra A. Flagg terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved June 13, 2006.

Chapter 104. AN ACT ESTABLISHING A SICK BANK FOR MICHAEL ABDOW, AN EMPLOYEE OF THE TRIAL COURT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Michael Abdow, an employee of the Fall River division of the district court department of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Michael Abdow. Whenever Michael Abdow terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.

Approved June 13, 2006.

Chapter 105. AN ACT AUTHORIZING THE COMMISSIONER OF THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY AND ACQUIRE CERTAIN PARCELS OF LAND IN THE TOWN OF BRIDGEWATER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize certain land transactions in the town of Bridgewater, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance, in this act called the commissioner, notwithstanding sections 40E through 40J, inclusive, of chapter 7 of the General Laws, except as specifically provided in this act, shall convey on behalf of, and in consultation with, the commissioner of the department of highways, by deed, to Property Investors, LLC, a Massachusetts limited liability company, in this act called the developer, title to certain parcels of land that are owned by the commonwealth in the town of Bridgewater and that are depicted as "Right of Way Acquisition by Proposed Development" on a plan entitled "Proposed Retail Route 24 & Pleasant Street (Rte 104) Bridgewater, MA", prepared by Coler & Colantonio, Inc., and dated April 12, 2006, for purposes consistent with the applicable zoning ordinance of the town of Bridgewater. This conveyance shall not occur until these parcels have been determined to be surplus land by

the commissioner of the department of highways pursuant to section 7E of chapter 81 of the General Laws. This conveyance shall occur upon certification by the developer to the commissioner that all local and state permits and approvals required to enable retail development on the parcels of land described in this section have been obtained. This conveyance shall be subject to such terms and conditions as the commissioner of the department of highways may prescribe in consideration for any such parcels of land, as described in section 2, that the commissioner may acquire from the developer.

SECTION 2. The developer shall convey by deed, to the commissioner, and the commissioner shall acquire on behalf of the department of highways for highway purposes as partial consideration for the transfer provided for in section 1, certain parcels of land owned by the developer in the town of Bridgewater, depicted as "Right of Way Dedication to State" on the plan described in section 1. The department of highways shall have sole responsibility for the management and maintenance of said parcels.

SECTION 3. The developer shall pay to the commissioner the difference between the full and fair market value of the parcel conveyed under section 1 and the full and fair market value of the parcel of land conveyed under section 2 based upon independent professional appraisals as determined by the commissioner of the department of highways. Upon the effective date of this act, the commissioner of the department of highways shall initiate an independent appraisal or appraisals of the parcels described in sections 1 and 2. Upon receipt of said appraisal or appraisals, the inspector general shall review and approve the appraisal or appraisals, which review and approval shall include an examination of the methodology used for the appraisal or appraisals, shall prepare a report of his review and approval of the appraisal or appraisals, sale agreement, or amendments and shall file such report with the commissioner, the commissioner of the department of highways, the house and senate committees on ways and means and the chairmen of the joint committee on bonding, capital expenditures and state assets.

SECTION 4. The developer shall be responsible for all costs associated with the conveyance authorized by this act, including but not limited to any appraisal, survey, recording and legal costs, and any and all other expenses incurred by the commonwealth in connection with the conveyance.

SECTION 5. The developer shall provide a copy of the plan described in section 1 of this act to the commissioner, who shall keep the plan on file. A copy of the plan shall be also kept on file with the chief engineer of the department of highways. The developer shall record the plan in the Plymouth county registry of deeds.

SECTION 6. The developer and its agents, tenants and contractors shall hold the commonwealth and its agents and employees harmless from and against all claims, actions, damages or costs claimed for injuries or damages to persons or property arising out of, or in any way relating to, the conveyance authorized by this act, and shall indemnify and defend the commonwealth and its agents and employees from and against any and all such claims, actions, damages or costs.

Approved June 13, 2006.

Chapter 106. AN ACT AUTHORIZING THE TOWN OF STOUGHTON TO ESTABLISH A MASSACHUSETTS WATER RESOURCES AUTHORITY CAPITAL INFRASTRUCTURE FUND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Stoughton may establish and maintain in the town treasury a special fund to be known as the Massachusetts Water Resources Authority Capital Infrastructure Fund into which shall be deposited all receipts from those entities that maintain a tax increment financing agreement with the town which specifies that the entity will contribute all or part of its exempt property tax to this fund. The board of selectmen, as water commissioners, may, without further appropriation, annually transfer from this fund to the Water Enterprise Fund an amount to defray the cost of debt service in the Water Enterprise Fund associated with entry into the Massachusetts Water Resources Authority distribution system. This annual transfer shall be limited to the lesser of (1) the budgeted annual principal and interest on borrowings associated with construction costs incurred to tie into the distribution system plus the budgeted annual entrance fee installment payment, or (2) the available balance in the fund. When debt service and entrance fee payments related to the Massachusetts Water Resources Authority have been settled, any remaining balance shall revert to the General Fund and the Massachusetts Water Resources Authority Capital Infrastructure Fund will be extinguished.

SECTION 2. This act shall take effect as of July 1, 2005.

Approved June 13, 2006.

Chapter 107. AN ACT VALIDATING CERTAIN ORDERS PASSED BY THE BARNSTABLE TOWN COUNCIL.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, each of the appropriation orders passed by the town council of the town of Barnstable for which a public hearing was held on May 15, 2003, before 7:00 p.m., is hereby ratified, validated, approved and confirmed, notwithstanding any defect in the notice published for those public hearings under sections 6-3(a) and 6-4 of the charter of the town.

SECTION 2. This act shall take effect upon its passage.

Approved June 13, 2006.

Chapter 108. AN ACT REGULATING THE FINANCIAL CONDITIONS IN THE PENTUCKET REGIONAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law, or the regional school district agreement to the contrary, the Pentucket regional school district, with the approval of the finance control board established by section 3, may borrow, at one time or from time to time, sums that are approved by the regional school district committee and then by the board, but in no event in an amount in the aggregate in excess of $2,500,000 to maintain and operate the regional school district while it adjusts the level of its expenses and revenues so as to achieve balanced budgets and fiscal stability. The board may limit the borrowing to an amount or amounts less than the amount or amounts approved by the regional school district committee. Bonds or notes issued under the authority of this act for operating purposes may be issued for a term of not more than 5 years and shall be backed by the full faith and credit of the regional school district. Bonds or notes issued under the authority of this act shall be eligible to be issued as qualified bonds or notes under chapter 44A of the General Laws. Indebtedness incurred under this act shall, so far as apt, be subject to chapter 44 of the General Laws. The maturities of each issue of bonds or notes authorized under this act, including any refunding bonds, may, if approved by the regional school district officers authorized to issue and approve the bonds or notes, and by the board, be arranged so that for each issue the amounts payable in the several years for principal and interest combined are as nearly equal as is practicable in the opinion of the officers authorized to issue and approve the bonds or notes, or in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.

SECTION 2. All proceeds of any loan authorized by section 1 shall be deposited in a separate fund which shall be set up on the books of the regional school district and be maintained separate and apart from all other funds and accounts of the regional school district. This fund shall be called the Pentucket Regional School District Financial Stability Fund, in this act called the fund. The regional school committee, with the approval of the board, may authorize disbursements from the fund for operating purposes that the committee considers appropriate to maintain and continue regional school district operations. Funds borrowed for operating purposes may be applied, with the approval of the director of accounts in the department of revenue, in this act referred to as the director, as general revenue

for purposes of computing assessments to the member town, under section 16B of chapter 71 of the General Laws. The director may establish rules and procedures that he considers appropriate relating to disbursements from the fund and the reporting and accounting for these disbursements.

SECTION 3. There shall be in the Pentucket Regional School District a 5-person finance control board, consisting of the secretary of administration and finance or his designee, the commissioner of revenue or his designee, the deputy commissioner of the division of local services of the department of revenue or his designee, the commissioner of education or his designee, and the chairman of the regional school committee or his designee. The board shall initiate and assure the implementation of appropriate initiatives to secure the financial stability of the school district, and shall continue in existence until June 30, 2009 unless the board members, after consideration of the recommendation of the regional school committee if it chooses to offer one, by majority vote shall annually vote to continue the operation of the board from year to year after that date.

Until the board ceases to exist, no appropriation, borrowing authorization or transfer shall take effect until approved by the board. As used in this act, "appropriation" means each line item in the district budget, and "transfer" means adjustments between or among line items under the district's procedures. In addition to the authority and powers conferred elsewhere in this act, and notwithstanding any general or special law, or regional school district agreement to the contrary, the board shall have the following authority:

(a) The authority, by majority vote, to amend at any time any appropriation, borrowing authority, transfer, or other municipal spending authority. The authority to amend, under this act, shall include the power to increase or decrease an existing appropriation, borrowing authorization, transfer or spending authority; the authority to eliminate an existing appropriation, borrowing authorization, transfer or spending authority; and the power to create an appropriation, transfer or spending authority. In exercising its authority under this clause, the board may act with respect to district spending purposes that are not the subject of separately identified appropriations.

(b) Notwithstanding section 16B of chapter 71 of the General Laws, or any other general or special law, if there is no balanced annual budget lawfully established for a fiscal year by the first day of that fiscal year, the authority, by majority vote, to establish a budget for that fiscal year that it considers appropriate and to amend, as provided for above, the appropriations during that fiscal year.

(c) The authority, by majority vote, to encumber or impound, at any time, any unexpended or unencumbered appropriation or spending authority of any kind notwithstanding the prior approval of the board of that appropriation or spending authority. To the extent that funds previously encumbered or impounded remain encumbered or impounded at the conclusion of the fiscal year, these amounts shall revert to the district's excess and deficiency account.

(d) In addition and without limitation of the other authority in this section, the independent authority, by majority vote, to establish, set, raise or lower any fee or charge, for

any service or other district activity, otherwise within the authority of the district to establish, set, raise or lower. No fee or charge shall be established, set, raised or lowered without written notice to the school committee and superintendent at least 45 days before the effective date of that action.

Action by the board, under authority of this act, shall in all respects constitute valid and lawful action by the regional school district for purposes of chapters 44, 70 and 71 of the General Laws and for all school finance and other matters.

In each year during which the board continues in existence, the superintendent shall, at the same time as the annual budget is submitted to the school committee, provide to the board and to the director a copy of the proposed annual budget, together with a supporting revenue and expenditure statement, in such detail as the board may prescribe. The board shall review this budgetary information and may issue a report of its findings.

In order to promote and ensure the fiscal stability of the Pentucket regional school district, the board may also require the filing of a detailed annual work plan by each district official with the power to make contracts or incur liabilities on behalf of the district which shall be approved by the superintendent, setting forth certain actions which may be implemented by each official to ensure greater efficiency in the delivery of services by the district.

Each work plan shall be in such detail as the board may prescribe, and may include, but not be limited to, the following: (1) a plan for improved financial and spending controls; (2) budget guidelines and objectives for the fiscal year; (3) a professional and nonprofessional staffing plan; (4) a plan for other proposed savings to be implemented. Any work plan submitted by a district official shall be approved by the school committee before submission to the board. During the course of each fiscal year in which the board is in existence, the board may require that status reports be filed with the board by these district officials on a quarterly basis.

The board shall have full authority to waive any reporting or filing requirements contained in this section.

The board may prepare reports of its findings and review and issue recommendations for further action to the superintendent and regional school district committee.

Members of the board who are employees or officers of the commonwealth or the regional school district shall serve without compensation.

SECTION 4. The regional school district business manager, or other official with responsibility for accounting matters, shall have the powers and duties vested in this office by general or special law, and in addition, the powers and duties provided in this act. To the extent not otherwise inconsistent with this act, the office of the regional school district business manager shall also have the powers and duties provided by the regional school agreement and the responsibility to establish and maintain financial control systems in accordance with chapter 647 of the acts of 1989.

The regional school district business manager shall, in addition to his other duties,

provide, upon majority vote and at the written request of the finance control board, the regional school district committee or superintendent, within a reasonable time period from that request, an oral or written assessment, or both, as the committee may request, of the current and future financial impact of the cost of any proposed expenditure, lease or contract agreement for a term including more than 1 fiscal year, collective bargaining agreement or borrowing authorization, particularly, but not limited to, as that cost item would relate to the continuous provision of the existing level of district services. To the extent reasonable, this assessment shall include an analysis or other information of a financial nature that is specifically requested by the finance control board, superintendent or committee. The assessment and analysis shall be provided by the regional school district business manager as his professional opinion.

SECTION 5. (a) Notwithstanding any general or special law or the regional school district agreement to the contrary, the Pentucket regional school district shall establish a special reserve fund for extraordinary and unforeseen expenditures, which fund shall be called the Supplemental Reserve Fund to Ensure Fiscal Stability. This fund shall be separate and in addition to any amounts appropriated under section 16G½ of chapter 71 of the General Laws.

(b) Commencing with fiscal year 2007 and for all following fiscal years, before the date when assessments to the member towns are computed, the district shall include a supplemental reserve fund sum in the budget for that fiscal year, as determined under this act.

(c) The supplemental reserve fund sum for fiscal year 2007 shall be an amount equal to 0.25 per cent of the gross amount of the regional district budget for the prior fiscal years as determined by the director; the supplemental reserve fund sum for fiscal year 2008 shall be an amount equal to 0.50 per cent of the gross amount of the regional district budget for the prior fiscal year as determined by the director; the supplemental reserve fund sum for fiscal year 2009 shall be an amount equal to 0.75 per cent of the gross amount of the regional district budget for the prior fiscal year as determined by the director; the supplemental reserve fund sum for fiscal year 2010 shall be an amount equal to 1 per cent of the gross amount of the regional district budget for the prior fiscal year as determined by the director; and the supplemental reserve fund sum for fiscal year 2011 and each subsequent fiscal year shall be an amount equal to 1.5 per cent of the gross amount of the regional district budget for the prior fiscal year as determined by the director.

(d) In each year the amount required to be included in the budget for the supplemental reserve fund may be reduced by the amount, if any, remaining in the supplemental reserve fund established for the preceding year after all expenditures have been made from it as authorized in this act, and this remaining amount shall be retained in the supplemental reserve fund provided for the then current fiscal year.

(e) Transfers or expenditures may be authorized from the supplemental reserve fund of any fiscal year during that fiscal year only, and then only by the regional school district committee, and if the board continues in existence at the time of the transfer or expenditure,

only with the approval of the board. Each transfer or expenditure request by the superintendent shall be accompanied by a written statement detailing the amount and the reason for the transfer or expenditure. Except for transfers or expenditures that are authorized in this act, there shall be no other transfers or reductions in the amount of this fund.

(f) All amounts required by this act to be included in the district budget for each fiscal year shall be included in the calculation of assessments to the member towns by the regional school district business manager. While the board remains in existence, the board, to the extent it considers it appropriate to effectuate the purposes of this act, may waive in part or in whole the requirements of this section.

SECTION 6. No official of the Pentucket regional school district, except in the case of an emergency involving the health and safety of persons or property, shall knowingly expend or incur liabilities in any fiscal year in excess of that official's spending authority established by a budget line-item or appropriation duly made in accordance with the law, nor commit the regional school district, nor cause it to be committed, to any obligation for the future payment of money in excess of that appropriation, with the exception of court judgments. Any official who intentionally violates this section shall be personally liable to the regional school district for any amounts expended in excess of the appropriation to the extent that the regional school district does not recover these amounts from the person or persons to whom the amounts were paid. The superior court or a single justice of the supreme judicial court shall have jurisdiction to adjudicate claims brought by the regional school district under this act and to order relief that the court finds appropriate to prevent further violations of this section. Any violation of this section shall be considered sufficient cause for removal.

SECTION 7. For the purposes of this act, the word "official" shall mean a regional school district administrator or other employee, permanent, temporary or acting, including the superintendent of schools, and all members of the school committee, and the word "emergency" shall mean a major disaster, including, but not limited to, flood, drought, fire, hurricane, earthquake, storm or other catastrophe, whether natural or otherwise, which poses an unexpected and immediate threat to the health and safety of persons or property.

SECTION 8. In any year during which bonds or notes authorized under this act remain outstanding, the commissioner of revenue may withhold the local aid payment to be made to the district on December 31 until an audit report for the preceding fiscal year has been received and accepted by the commissioner. The audit report shall be prepared by a certified public accountant in accordance with generally accepted auditing standards and shall include accompanying financial statements. In any year during which bonds or notes authorized under this act remain outstanding, the regional school district shall submit to the commissioner quarterly reports presenting a budget to actual comparison of revenues and expenditures. The written reports shall be submitted within 30 days after the conclusion of each fiscal quarter and shall be in such form and include such information and detail as the commissioner may prescribe.

In any year during which bonds or notes authorized by this act remain outstanding, the regional school district shall not issue any bond, note or other form of indebtedness without written notification to, and the approval of, the commissioner.

SECTION 9. This act shall take effect upon its passage.

Approved June 13, 2006.

Chapter 109. AN ACT FURTHER REGULATING MUNICIPAL AFFORRDABLE HOUSING TRUST FUNDS.

Be it enacted, etc., as follows:

SECTION 1. Subsection (a) of section 55C of chapter 44 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:-Acceptance shall be by majority vote of the municipal legislative body under section 4 of chapter 4.

SECTION 2. Said section 55C of said chapter 44, as so appearing, is hereby further amended by inserting after the word "town", in line 12, the following words:- , but where the chief executive officer is a multi-member body, that body shall designate a minimum of 1 of its members to serve on the board.

SECTION 3. Subsection (b) of said section 55C of said chapter 44, as so appearing, is hereby amended by adding the following sentence:- Nothing in this subsection shall prevent a board of selectmen from appointing the town manager or town administrator as a member or chair of the board, with or without the power to vote.

SECTION 4. Said section 55C of said chapter 44, as so appearing, is hereby further amended by striking out, in lines 19 and 20, the words "may include, but not be limited to, the following" and inserting in place thereof the following words:- shall include the following powers, but a city or town may, by ordinance or by-law, omit or modify any of these powers and may grant to the board additional powers consistent with this section.

SECTION 5. Subsection (c) of said section 55C of said chapter 44, as so appearing, is hereby amended by striking out clause (1) and inserting in place thereof the following clause:-

(1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B.

SECTION 6. Said section 55C of said chapter 44, as so appearing, is hereby further

amended by striking out the figure "268A", in line 86, and inserting in place thereof the following figure:- 258.

Approved June 13, 2006.

Chapter 110. AN ACT DESIGNATING A BRIDGE IN THE CITY OF AMESBURY AS THE FIRST LIEUTENANT DEREK S. HINES MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge spanning the Merrimack river from Deer island in the town of Amesbury to Main street in that town shall be designated and known as the First Lieutenant Derek S. Hines memorial bridge, in memory of First Lieutenant Derek S. Hines who was killed in the line of duty in Afghanistan. The department of highways shall erect and maintain suitable markers bearing that designation in compliance with the standards of the department.

Approved June 15, 2006.

Chapter 111. AN ACT REQUIRING THE PREPARATION OF CERTAIN BALLOTS IN THE CITY OF BOSTON.

SECTION 1. Notwithstanding section 40 of chapter 54 of the General Laws, or any other general or special law to the contrary, in federal and state elections the state secretary shall prepare bilingual ballots in English and Chinese, and English and Vietnamese in addition to any other bilingual ballots required by law, in the designated polling places within the city of Boston as defined by the provisions of Paragraphs (9) and (20) of the Memorandum of Agreement and Settlement, dated September 15, 2005, entered in United States of America v. City of Boston, Civil Docket Number 05-11598-WGY.

SECTION 2. Notwithstanding section 58 of the charter of the city of Boston, or any other general or special law to the contrary, in all city of Boston municipal elections the election commission shall cause bilingual ballots in English and Chinese, and English and Vietnamese in addition to any other bilingual ballots required by law, in the designated polling places within the city of Boston as defined by the provisions of Paragraphs (9) and (20) of the Memorandum of Agreement and Settlement, dated September 15, 2005, entered in United States of America v. City of Boston, Civil Docket Number 05-11598-WGY.

SECTION 3. The city of Boston shall provide the state secretary with the number of bilingual Chinese and Vietnamese ballots and the designated polling locations where they are to be used, as well as any other information the secretary may require, no later than July 21, 2006 for the state primary and no later than September 8, 2006, for the state election.

For any state or federal election after 2006, no changes to the number of bilingual ballots used in the polling places that have been designated within the city of Boston for the 2006 state election shall be made without the consultation and approval of the secretary of state no later than 60 days before the primary or election in which the changes are to take place.

SECTION 4. If the parties to the Memorandum of Agreement and Settlement dated September 15, 2005 entered in United States of America v. City of Boston, Civil Docket Number 05-11598-WGY seek to make changes in that Agreement, the secretary shall be notified no less than 120 days preceding the election in which the changes are to take place.

SECTION 5. No changes shall be made in the Memorandum of Agreement and Settlement dated September 15, 2005 entered in United States of America v. City of Boston, Civil Docket Number 05-11598-WGY that affect any state or federal elections without the consultation and approval of the state secretary.

SECTION 6. This act is enacted as part of the Memorandum of Agreement and Settlement dated September 15, 2005 entered in United States of America v. City of Boston, Civil Docket Number 05-11598-WGY, and this act shall remain in effect as long as the Memorandum of Agreement and Settlement remains in force and effect.

SECTION 7. This act shall take effect upon its passage.

Approved June 15, 2006.

Chapter 112. AN ACT RELATIVE TO THE BOUNDARIES OF THE CHERRY VALLEY AND ROCHDALE WATER DISTRICT.

Be it enacted, etc., as follows:

The first paragraph of section 2 of chapter 105 of the acts of 1996 is hereby amended by striking out the first 3 subparagraphs and inserting in place thereof the following 3 subparagraphs:-

Beginning at a point at the intersection of the Leicester, Auburn and Oxford town lines; thence, northeasterly along the Leicester and Auburn Town line 1590 feet to a point; thence, northerly along the Leicester and Auburn Town line 2,100 +/- feet to the southernmost lot corner of Lot 1, Block B, Map 45; thence, northeast along said Lot 1, 222 +/- feet to Lot 2, Block B on Assessors Map 45; thence, along said Lot 1, 353 +/- feet to Stafford Street; thence, northeast along Stafford Street 150 +/- feet to a point on Stafford Street, being station 139 + 00 of the 1936 county layout; thence, northerly in the same direction as the last course, 230.00 feet to a point; thence, southwesterly 1730 +/- feet at a right angle from the last course, to Assessors Lot 6.4, Block B, Map 44; thence, northerly 130 +/- feet along said Lot 6.4 to Assessors Lot 6, Block B on Map 44; thence, 127 +/- feet, to a line parallel with and 350 feet distant and eastward from the east side of the 1963 layout of Route 56; thence, northerly 5020 +/- feet by this line running parallel and 350 foot distance from the east line of Route 56 to a point where the line intersects the property line

of Assessors Lot 7, Block F, Map 37A said point being 350 feet distance and east the east line of the 1963 layout of Route 56; thence, northeasterly 113 +/- feet to the property corner of Assessors Lots 8, 10 & 11 on said Map; thence, southeasterly 98.14 feet to the corner of said Lot 11; thence, northeasterly 161.00 feet to the south side of King Street; thence, southeasterly along King Street 295 +/- feet; thence, northeasterly across King Street 40 +/- feet to the southeast corner of Assessors Lot 14, Block A, Map 37A, northeasterly along said lot 150.00 feet to the rear corner; thence, northwesterly 388.14 feet along the rear lot line of Assessors Lots 14 through 11 of said Map and Block to Assessors Lot 9 of said Map and Block A; thence, northerly on said lot line two courses 80 +/- feet and 268.00 feet to the rear lot corner; thence, northwesterly by two courses along said lot; 280.00 feet and 124.1 feet to the lot corner; thence, northwesterly to the point of tangency located at Station 102 + 76.13 of the east side of the 1963 Route 56 layout; thence, northerly along Route 56 a distance of 623.87 feet to a point, northwesterly along Route 56, 226.56 feet to a point of curvature; thence, northwesterly along the curve in Route 56, 146.71 feet to a point of tangency at Station 110 + 69.77; thence, northwesterly along Route 56 a distance of 52 feet; thence, southwesterly 62 +/- feet across Route 56 to the intersection of the west side of Route 56 and the lot corner of Assessors Lots 8.14 and 1, Block B; thence, southwesterly 221.03 feet along said Lot 1 and Lot 2 to Assessors Lot 5, Block B, Map 37A; thence, along said Lot 5 southeasterly 52.50 feet to the lot corner; thence, southwesterly 306.00 feet along lots 5, 7 and 8 to Assessors Lot 3, Block C, Map 37A; thence, southeasterly 90.00 feet to the corner of Lot 3 and Lot 8.12; thence, southwesterly 438.32 feet along Lots 8.12, 8.11 and 8.1, Block B, Assessors Map 37A, to Lot 8.3, Block B, Assessors Map 37A; thence, southeasterly along said Lot 8.3, 44.58 feet to Lot 9; thence, northeasterly 100.00 feet to a point and then southwesterly 137.86 feet to the north line of King Street; thence, southwesterly 52.10 feet in the same direction as the last course across King Street to the south side of the 33 feet layout of King Street; thence, southwest 264 +/- feet to the northeast property corner of Assessors Lot 1, Block E, Map 37A; thence, southerly 120 +/- feet along said Lot 1 to the northerly line of the Cherry Valley & Rochdale Water District easement; thence, southwesterly along said easement 965 +/- feet to the east side of the 1963 layout of Pleasant Street; thence, crossing Pleasant Street to a point on the west side of Pleasant Street. Said point being 1022.4 ft from the intersection of the west sideline of Pleasant Street with the north sideline of Green Street as measured along Pleasant Street. Said point also being the northeast property corner of land shown as Assessors Lot 9, Block A, of Map 38; thence, northwest 515 +/- feet to Lot 7.5, Block A on Map 38; thence, 473 +/- feet to Lot 8.2, Block A, Map 38; thence, 716 +/- feet to Green Street; thence crossing Green Street to the south sideline of Green Street; thence, westerly 1170 +/- feet along the south side of Green Street to a point where the centerline of the Town Meadow Brook flows beneath Green Street; thence, southerly 2580 +/- feet to the south side of River Street at the northwest corner of Lot 4, Block D, Assessors Map 43; thence, southerly 1965 +/- feet to the south side of Charlton Street at the northwest corner of Lot 8, Block A, Assessors Map 47; thence, southeasterly 3995 +/- feet to a point on the Leicester/Oxford Town Line where it intersects with the rear

(west boundary) property line of Assessors Lot 5, Block C, Map 47B; thence, easterly 5030 +/- feet along the Town Line to the point of beginning marked with a granite corner monument at the Leicester, Oxford and Auburn Town corner.

A second (2nd) area beginning at the intersection of the south side of the 1937 state layout of Stafford Street with the Leicester Town and Worcester City Line, thence, southeast 351 +/- feet to the south lot line of Lot 4.1, Block G, Assessors Map 34B; thence, two courses: southwest 36 feet along said Lot 4.1 to Lot 2 and southwest 346 feet along Lot 2 to the southwest lot corner of Lot 2, Block G, Assessors Map 34B; thence, northwest 49 feet to the northeast corner of Lot 14, Block G, Assessors Map 34B at the west side of Cemetery Road; thence, southeast 219 feet along Cemetery Road to the southeast corner of said Lot 14 and then southwest 252 feet along the south boundary of said Lot 14 to the east boundary of Lot 11, Block F, Assessors Map 34B; thence, southeast 181 feet along said Lot 11 to a point; thence, southwest 212 feet to the southeast corner of Lot 10, Block F, Assessors Map 34B; thence, southwest 164.02 feet along said Lot 10 to the southwest corner of said Lot 10; thence, northwest 432.32 feet to the south side of the 1937 state layout of Stafford Street; thence, northwest 60.00 feet to the north side of Stafford Street; thence, southwesterly 172 +/- feet along the curve of Stafford Street to the southwest property corner of Lot 11, Block A, Assessors Map 34A; thence, northerly 742.70 feet along Lot 11 and Lot 12, Block A, Assessors Map 34A to the northwest corner of said Lot 12; thence, southeast 65 feet to Lot 2, Block A said point also being the south corner of Lot 6, Block A, Assessors Map 33; thence, northwest 1729 +/- feet along Lot 6 to the southwest corner of Lot 8, Block J, Assessors Map 33A; thence, southwest 2900 +/- feet to the east side of Auburn Street at the northwest corner of Lot 5, Block A, Assessors Map 33; thence, southeast along said Lot 5,287 +/- feet to a point; thence, southwest 269 +/- feet; thence, southeast 1230 +/- feet to Lot 3, Block A, thence, southwest 793 +/- feet to Assessors Lot 1.3; thence, northeast 397 +/- feet to a point; thence, northwest 306 +/- feet to a point; thence, southwest 30 +/- feet to Assessors Lot 4, thence, northeast 1127 +/- feet to the easterly side of Auburn Street, the Last 8 courses being along said Lot 5; thence, crossing Auburn Street and continuing in the same direction as the last course 570 +/- feet to a point; thence, westerly 3360 +/- feet to the east side of Henshaw Street at the southwest corner of Lot 1, Block C, Assessors Map 24; thence, westerly along the same direction as the last course 33 +/- feet to the west side of Henshaw Street; thence, northerly 2345 +/- feet to a point where the prolongation of the north side of Willow Hill Road intersects with the west side of Henshaw Street; thence, northeasterly 140 +/- feet across Henshaw Street to the point of curvature on the north side of Willow Hill Road at the intersection rounding between Willow Hill Road and Henshaw Street. Said point being at Assessors Lot 1, Block B on Map 24; thence, in a clockwise direction along the curvature of said rounding to Henshaw Street; thence, 350 +/- feet along Henshaw Street to the corner of said Lot 1; thence, easterly 214 +/- feet to along said Lot 1 to the northeast corner of the said Lot 1; thence, northerly 179 +/- feet to the south side of Roosevelt Street at the northwest corner of Lot 7, Block D, Assessor Map 24A; thence, easterly 242 +/- feet along Roosevelt Street across Harding Street to the east side of Harding Street at the corner

of Lot 13, Block A, Assessors Map 24A; thence, northeast 731.88 feet along said Lot 13 and Harding Street then along Lot 34 to the northwest corner of Lot 34, Block A, Assessors Map 24A; thence, southeast 562.39 feet along Lots 34, 35 and 36 to the common corner of Lots 36, 37, 59 and 62, Block A, Assessors Map 24A; thence, northeast in a straight line 330 +/- feet to the intersection of the east side of Main Street and the north side of Maple Street; thence, northeast 660 +/- feet in a straight line to the intersection of the north side of Oak Street and the west side of Grand View Avenue; thence, easterly 136 feet to the southeast corner of Lot 24, Block B, Assessors Map 21B, said point also being on the west boundary of Lot 7, Block C, Assessors Map 21; thence, four courses along Lot 7: northwest 320 +/- feet, northwest 326.53 feet, northeast 38.75 feet and 101.53 feet to the southeast corner of Lot 10, Block B, Assessors Map 21B; thence, northwest 713.9 feet along Lot 10 to the southeast corner of Lot 9, Block B, Assessors Map 21B; thence, southwest 171.49 feet to the southwest corner of said Lot 9; thence, northwest 247.03 feet along said Lot 9 to the south side of Waite Street; thence, northwest 40 feet to the north side of Waite Street; thence, southwest 95 +/- feet along the north side of Waite Street to the southwest corner of Lot 38, Block A, Assessors Map 21A; thence, northwest 123 +/- feet along said Lot 38 to Waite Pond; thence, easterly 479 +/- feet along the edge of Waite Pond to the northwest corner of Lot 43, Block A, Assessors Map 21A; thence, southeast 232 feet along the north property line of Lot 43 to the west side of Chapel Street; thence, easterly 40 +/- feet to the east side of Chapel Street at the center of a brook running between Waite Pond and City Pond; thence, northerly 65 +/- feet along Chapel Street then Pine Avenue to the northwest property corner of Lot 9, Block A, Assessors Map 22; thence, southeasterly 1081 +/- feet along said Lot 9 to the easternmost property corner of said Lot 9 and on the west boundary of Lot 1, Block A, Assessors Map 22B; thence, northeast in a straight line 875 +/- feet to the east side of Woodland Road at the intersection of the north side of Marion Avenue; thence, southeast in a straight line 3440 +/- feet to the Worcester City and Leicester Town Line; thence, southeast along the Town Line 6690 +/- feet to the point of beginning; being the intersection at the Town Line with the south side of the 1937 State layout of Stafford Street.

A third (3rd) area beginning at the intersection of the east side of Peter Salem Road and the south side of Pitcairn Avenue; thence, northeast 366.9 feet along Pitcairn Avenue and Lot 7, Block E, Assessors Map 31A to the southeast corner of said Lot 7; thence, northeast 907.25 feet in a straight line to the southeast corner of Lot 3, Block D, Assessors Map 31A, also being the northwest corner of Lot 12 of Block B and said Map; thence, northeast 270 +/- feet to the northeast property corner of Assessors Lot 4, Block D on Map 31A; thence, southwest 100 +/- feet along said Lot 4 to a point; thence, northwest 33 +/- feet to Assessors Lot 4, Block C on Map 31A; thence, northeast along said Lot 4 (Block C) 25 +/- feet to the southeast corner of said Lot 4 (Block C); thence, along said Lot 4 (Block C) 82 +/- feet to the northeast corner of said Lot 4 (Block C); thence, 50 +/- feet along said Lot 4 (Block C) to Assessors Lot 3 Block C on Map 31A; thence, along said Lot 3 and Lot 2, 115 +/- feet to the northeast corner of Assessors Lot 2, Block C on Map 31A; thence, 30 +/- feet along said Lot 2 to a point; thence, northwest 100 +/- feet to Assessors Lot 1, Block C, on Map 31A;

thence, along said Lot 1 and across Lexington Street 60 +/- feet to the north side, and at the end of Lexington Street; thence, westerly along Lexington Street 45 +/- feet to a point; thence, 125 +/- feet to the northeast corner of Lot 21, Block B, Assessors Map 31A; thence, southwest 18 +/- feet along said Lot 21 to a point; thence, 109 +/- feet along said Lot 21 to a point; thence, southwest 85 +/- feet along said Lot 21 to a point southwest 700 feet to a point 200.00 feet west of Peter Salem Road; thence, southeast along a line that is parallel to and westward of the west side of Peter Salem Road 305.00 feet to the northwest property corner of Lot 1, Block A, Assessors Map 31A; thence, southeast 295.14 feet along the rear property line of Lots 1, 2 and 3 to an angle point; thence, southeast 691.51 feet along a line that is parallel to 200 feet westward of the west side of Peter Salem Road; thence, northeast 240 feet to the point of beginning.

Approved June 21, 2006.

Chapter 113. AN ACT CHANGING THE MEMBERSHIP OF THE TOWN MEETING OF THE TOWN OF SHREWSBURY.

Be it enacted, etc., as follows:

Chapter 553 of the acts of 1953 is hereby amended by striking out section 10 and inserting in place thereof the following section:-

Section 10. Members-at-large.- The chairman of the board of selectmen and the chairman of the finance committee shall be members-at-large of the town meeting.

Approved June 21, 2006.

Chapter 114. AN ACT AUTHORIZING THE TOWN OF RUSSELL TO BORROW MONEY FOR THE UPGRADE AND EXTENSION OF THE TOWN'S COMMUNITY CABLE TELEVISION SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. The town of Russell may borrow from time to time such sums of money as may be necessary, not to exceed an aggregate amount of $900,000, for the purpose of extending the town's community cable television system and upgrading the system to a hybrid-fiber-coaxial cable system, including the installation of standby power supplies, the relocation of the headend to the Russell town hall, the installation of broadband high speed internet equipment, and all other costs of construction and equipment related to this extension and upgrade, and may issue bonds or notes for these amounts. Each authorized issue shall constitute a separate loan, and each loan shall be payable within 20 years after its date. Notwithstanding any provisions of chapter 44 of the General Laws to the contrary, the

maturities of any bonds issued by the town of Russell under this act either shall be arranged so that for each issue the annual combined payments of principal and interest payable in each year, commencing with the first year in which a principal payment is required, shall be as nearly equal as practicable in the opinion of the board of selectmen and treasurer, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal. Indebtedness incurred under this act shall not be included in determining the limit of indebtedness of the town under section 10 of chapter 44 of the General Laws, but, except as otherwise provided in this act, shall be subject to the rest of that chapter. Notwithstanding any general or special law to the contrary, the establishment and operation of the town's enterprise fund for the community cable television system under section 53F½ of said chapter 44 is hereby ratified, validated and confirmed.

SECTION 2. The vote of the town, at the special town meeting held on September 13, 2005, authorizing borrowing for the extension and upgrade of the town's community cable television system is hereby ratified, validated and confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved June 21, 2006

Chapter 115. AN ACT RESTRICTING CERTAIN INSURANCE BENEFITS FOR PART-TIME ELECTED OFFICIALS OF THE TOWN OF NORWELL.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 32B of the General Laws or any other general or special law to the contrary, part-time elected officials of the town of Norwell who receive a stipend shall not be eligible for participation in the town's contributory health and life insurance benefit plan, but part-time elected officials who receive a stipend and who pay the full monthly cost to the town, plus any administrative costs that may be assessed by the board of selectmen, shall be eligible to participate.

SECTION 2. This act shall take effect on July 1, 2006.

Approved June 21, 2006.

Chapter 116. AN ACT INCREASING THE EXPENDITURE LIMIT ON REVOLVING FUNDS IN THE CITY OF ATTLEBORO.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 53E½ of chapter 44 of the General Laws or

any other general or special law to the contrary, a board, department or officer of the city of Attleboro may expend in any 1 fiscal year from all revolving funds under its direct control under said section 53E½ an amount equivalent to 5 per cent of the amount raised by taxation by the city in the most recent fiscal year for which a tax rate has been certified under section 23 of chapter 59 of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Approved June 21, 2006.

Chapter 117. AN ACT TRANSFERRING RESPONSIBILITY FOR THE MAINTENANCE AND REPAIRS OF ALL CITY OF LYNN SCHOOL BUILDINGS AND GROUNDS.

Be it enacted, etc., as follows:

SECTION 1. Section 4-3 of the Lynn Home Rule Charter is hereby amended by striking out subsection (e) and inserting in place thereof the following subsection:-

(e) Control all school buildings and the grounds connected with those buildings, except maintenance and repairs which shall be under the jurisdiction of the division of inspectional services;.

SECTION 2. Notwithstanding chapters 44 and 70 of the General Laws or any other general or special law to the contrary, the department of inspectional services created by chapter 51 of the acts of 1999 shall be responsible for the inspection, maintenance and repairs of all buildings owned by the city of Lynn, including school buildings within the city of Lynn.

SECTION 3. Employees currently employed by the city of Lynn within the school department and performing custodial, repair or maintenance of school buildings and grounds shall be transferred to the department of inspectional services of the city of Lynn without loss of civil service or seniority rights.

SECTION 4. This act shall take effect upon its passage.

Approved June 21, 2006.

Chapter 118. AN ACT AUTHORIZING THE TOWN OF BURLINGTON TO ACCEPT CERTAIN STREETS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 23 of chapter 82 of the General Laws or any

other general or special law to the contrary, the town of Burlington may accept the streets listed in article 14 of the adjourned third town meeting held on September 26, 2005, a copy of which is on file in the office of the town clerk; but this acceptance shall become final only after:-

(1) the way has been laid out by order of the board of selectmen at or after a duly called meeting of which 7 days prior notice in a newspaper of general circulation in the town has been given; and

(2) an order of layout has been filed with the town clerk, together with a plan showing the boundaries and measurements of the way, which plan may be an already existing subdivision plan; and

(3) either (a) the board of selectmen has determined that the town of Burlington already holds land or easements for the purposes of the town way and has filed that determination with the town clerk, and there shall be a presumption that the town of Burlington already holds easements for these purposes with respect to any way that has been open to public use and maintained by the town of Burlington for 20 years or more; or (b) the board of selectmen has determined it is necessary to acquire land or easements for the purposes of the town way and the board of selectmen has, within 120 days after the filing of the plan with the town clerk, acquired the land or easements by gifts, purchase or eminent domain under chapter 79 of the General Laws by recording the deed or order of taking, but notwithstanding chapter 79, no appraisal of damages shall be required before any taking by eminent domain for the purposes of this act.

SECTION 2. This act shall take effect upon its passage.

Approved June 21, 2006.

Chapter 119. AN ACT PRESERVING FEDERAL HIGHWAY FUNDS AND ENSURING COMPLIANCE WITH THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to ensure compliance with the federal Motor Carrier Safety Improvement Act and preserve federal highway funds, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 23 of chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "ninety B", in line 45, the following words:- , or pursuant to a violation of section 8, 9 or 11 of chapter ninety F.

SECTION 2. Section 1 of chapter 90F of the General Laws, as so appearing, is hereby amended by striking out, in line 26, the figure "390.5" and inserting in place thereof the following words:- 383.5, as well as any vehicle described in regulations promulgated by the registrar that adopt the applicable federal regulations.

SECTION 3. Said section 1 of said chapter 90F, as so appearing, is hereby further amended by striking out, in line 52, the following words " , or registered gross weight, whichever is greater."

SECTION 4. Said section 1 of said chapter 90F, as so appearing, is hereby further amended by inserting after the words "(49 App. USC 1801 et seq.)", in line 60, the following words:- and any material that has been designated as hazardous under 49 CFR 383.5, including any material that has been designated hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR part 73, as well as any material vehicle described in regulations promulgated by the registrar that adopt the applicable federal regulations.

SECTION 5. Said section 1 of said chapter 90F, as so appearing, is hereby further amended by inserting after the word "speeding,", in line 90, the following words:- improper or erratic traffic lane changes or following the vehicle ahead too closely.

SECTION 6. Said section 1 of said chapter 90F, as so appearing, is hereby further amended by inserting after the word "regulation", in line 91, the following words:- ; driving a commercial motor vehicle without obtaining a commercial driver license; driving a commercial motor vehicle without having a commercial driver license in possession; driving a commercial motor vehicle without the proper class or endorsement.

SECTION 7. The definition of "Serious traffic violation" in said section 1 of said chapter 90F, as so appearing, is hereby amended by adding the following sentence:- This definition shall include any and all major disqualifying offenses under 49 CFR 383.5, as well as offenses listed in regulations which the registrar may promulgate to reflect the definition of a serious traffic violation contained in any applicable federal statute or regulation.

SECTION 8. Section 2 of said chapter 90F, as so appearing, is hereby amended by adding the following paragraph:-

Each applicant for a commercial driver license shall certify to the registrar that he does not have a commercial driver license from more than 1 jurisdiction. Each applicant also shall indicate to the registrar the name of all states in which he has been licensed to drive any type of motor vehicle during the 10 years preceding the date of application.

SECTION 9. Section 4 of said chapter 90F, as so appearing, is hereby amended by striking out, in lines 15 and 16, the words "twenty-five hundred dollars" and inserting in place thereof the following words:- from $2,750 to $11,000 inclusive.

SECTION 10. Said section 4 of said chapter 90F, as so appearing, is hereby further amended by adding the following paragraph:-

(D) No employer shall knowingly allow, require, permit or authorize a driver to operate a commercial motor vehicle in violation of a federal, state or local law or regulation

pertaining to railroad-highway grade crossings. Any employer who violates the provisions of this paragraph shall be subject to a civil penalty of not more than $10,000.

SECTION 11. The third paragraph of section 8 of said chapter 90F, as so appearing, is hereby amended by adding the following 2 sentences:- The registrar shall not issue a license to operate a commercial motor vehicle before checking all relevant records as prescribed by 49 CFR sections 384.206, 383.71 and 383.73 or in regulations promulgated by the registrar to reflect the applicable federal requirements. The registrar shall request the driving record for the previous 10 years from each state in which such person was previously licensed.

SECTION 12. Said section 8 of said chapter 90F, as so appearing, is hereby further amended by striking out, in lines 28 and 29, the words "had his license or right to operate suspended or revoked" and inserting in place thereof the following words:- been disqualified, is in violation of an out-of-service order or has had his license or right to operate suspended, revoked or canceled.

SECTION 13. Section 9 of said chapter 90F, as so appearing, is hereby amended by striking out subsections (A) and (B) and inserting in place thereof the following 2 subsections:-

(A) Any person, who holds a license to operate a motor vehicle, a license to operate a commercial motor vehicle or is unlicensed, is disqualified from operating a commercial motor vehicle and is prohibited from operating a commercial motor vehicle for a period of not less than 1 year if convicted of a first violation of:

(1) Operating a commercial motor vehicle or a motor vehicle under the influence of alcohol or drugs;

(2) Operating a commercial motor vehicle while the alcohol concentration in the person's blood or breath is 0.04 or more;

(3) Leaving the scene of an accident involving a commercial motor vehicle or a motor vehicle driven by the person;

(4) Refusing to submit to a chemical test or analysis of the person's breath or blood after operating a commercial motor vehicle or a motor vehicle; or

(5) Using a commercial motor vehicle or a motor vehicle in the commission of a felony as defined in this chapter.

If any of the above violations occurred while transporting a hazardous material required to be placarded, the person shall be disqualified for a period of 3 years.

(B) Any person shall be disqualified for life if convicted of 2 or more violations of any of the offenses specified in subsection (A), or for 2 or more refusals to submit to a chemical test or analysis of the person's breath or blood after operating a commercial motor vehicle or a motor vehicle, or any combination of those offenses, arising from 2 or more separate incidents.

SECTION 14. Subsection (E) of said section 9 of said chapter 90F, as so appearing, is hereby amended by adding the following sentence:- The one hundred twenty day disqualification period shall be imposed in addition to any other previously imposed period

of disqualification.

SECTION 15. Said section 9 of said chapter 90F, as so appearing, is hereby further amended by striking out, in line 58, the words "one thousand dollars" and inserting in place thereof the following words:- not less than $1,100 and not more than $2,750.

SECTION 16. Subsection (E ½) of said section 9 of said chapter 90F, as so appearing, is hereby amended by adding the following paragraph:-

(4) Any person shall be disqualified from operating a commercial motor vehicle for a period of not less than 60 days if convicted of violating the railroad-highway grade crossing provisions in 49 CFR 383.51 or in regulations promulgated by the registrar to reflect the applicable federal requirements, or for a period of not less than 120 days if convicted of 2 violations of said provisions, or for a period not less than 1 year if convicted of 3 or more violations of said provisions, committed during the operation of a commercial motor vehicle arising from separate incidents occurring within a 3 year period.

SECTION 17. Said section 9 of said chapter 90F, as so appearing, is hereby further amended by adding the following 2 subsections:-

(G) Pursuant to the provisions of 49 CFR 383.52 or any regulations promulgated by the registrar to reflect the applicable federal requirements, the registrar shall disqualify from operating a commercial motor vehicle any driver whose driving is determined by the assistant administrator of the Federal Motor Carrier Safety Administration of the United States Department of Transportation, or his designee, to constitute an imminent hazard. The period of disqualification shall not exceed 30 days, unless the assistant administrator or his designee complies with 49 CFR 383.52 (c). Any disqualification so imposed must be transmitted by the Federal Motor Carrier Safety Administration to the registrar and shall become a part of the driver's record maintained by the registrar. A driver who is simultaneously disqualified under this subsection and pursuant to any other federal or state disqualification from holding a commercial driver license shall serve such disqualification periods concurrently.

(H) The registrar may disqualify and reject any application for commercial licensure by any Massachusetts resident holding a non-commercial driver license who has been convicted of a disqualifying event as defined in 49 CFR 383.51 or in regulations promulgated by the registrar to reflect the applicable federal requirements.

SECTION 18. Said chapter 90F is hereby further amended by striking out section 12, as so appearing, and inserting in place thereof the following section:-

Section 12. Whenever a person holding a commercial driver license issued by another state is convicted of a violation of any law or local ordinance relating to motor vehicle traffic control, other than a parking violation, in either a motor vehicle or a commercial motor vehicle, the registrar shall notify the licensing entity in the state in which the person is licensed of the conviction within 30 days of the date of the conviction.

Whenever a person who does not hold a commercial driver license, but who is licensed to drive by another state, is convicted of a violation in a commercial motor vehicle of any law or local ordinance relating to motor vehicle traffic control, other than a parking violation, the registrar shall notify the licensing entity in the state where the driver is licensed

of this conviction within 30 days of the date of the conviction.

SECTION 18A. Said section 12 of said chapter 90F, as inserted by section 18 of this act, is hereby amended, in the first and second paragraphs, by striking out the figure "30" and inserting in place thereof, in each instance, the following figure:- 10.

SECTION 19. Section 13 of said chapter 90F, as so appearing, is hereby amended by adding the following paragraph:-

The registrar shall not mask or defer the recording of convictions on the driving record of the holder of a commercial driver license, in accordance with 49 CFR 384.226 or regulations promulgated by the registrar to reflect the applicable federal requirements. Upon request, the registrar shall furnish, within 30 days of receipt of the request, to any other state, or province or territory of Canada, complete driving records for at least the 10 years preceding the date of the request.

SECTION 20. Section 16 of said chapter 90F, as so appearing, is hereby amended by inserting after the word "licenses", in line 5, the following words:- , or a valid Licensia Federal de Conductor issued by Mexico that has been recognized by the Administrator of the Federal Motor Carrier Safety Administration as the equivalent of a commercial driver license.

SECTION 21. Section 18A shall take effect on September 30, 2008.

Approved June 21, 2006.

Chapter 120. AN ACT AUTHORIZING TERMINAL AUDITS FOR COMMERCIAL VEHICLES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to ensure forthwith compliance with federal law and ensure the availability of federal highway grants, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by inserting after section 19K the following section:—

Section 19L. (a) The registrar shall adopt regulations to ensure compliance by all interstate and intrastate motor carriers with this chapter and with:

(1) the regulations of the United States Department of Transportation, Federal Motor Carrier Safety Administration, contained in Title 49 of the Code of Federal Regulations, relative to:

(i) proof of financial responsibility;

(ii) driver qualification files, including all required forms;

(iii) drug and alcohol testing records as applicable;

(iv) records of duty status and supporting documents;

(v) driver vehicle inspection reports and maintenance records;

(vi) hazardous materials records as applicable; and

(vii) an accident register and copies of all accident reports required by state or other governmental entities or insurers.

(2) sections 2, 3, 9 and 10 of this chapter, relative to operator licensing and registration of commercial vehicles;

(3) section 2B of chapter 85, section 31 of this chapter, and any regulation established thereunder relative to transportation of freight, passengers or hazardous materials;

(4) chapter 90F, relative to the operation of commercial vehicles; and

(5) any other applicable state statute pertaining to the operation of commercial motor vehicles.

(b) The department of state police may enter, during regular business hours, the commercial premises owned or leased by a commercial carrier, wherein the records, required to be maintained under the regulations adopted under this section, are stored or maintained, and may inspect, in a reasonable manner, the records for the purpose of enforcing the regulations. If the records contain evidence of violations of the regulations, the inspecting officer shall produce and take possession of copies of the records, and if the entity subject to inspection does not possess copying equipment, the inspecting officer shall arrange to have copied, in a reasonable time and manner, the records that contain evidence of the violations, and the costs for the copying shall be assessed against the owner of said records. The department of state police shall coordinate its activities under this section with the federal motor carrier safety administration to ensure compliance with all federal and state laws and regulations. Municipal police officers or municipal police departments shall not conduct terminal audits; routine commercial carrier inspections; or, without probable cause, a random inspection of a commercial carrier.

(c) Any carrier found to be in violation of record-keeping regulations established under this section shall be subject to a civil penalty not to exceed $500 for each offense, and each day of a violation shall constitute a separate offense; but the total of all civil penalties assessed against a violator for all offenses relating to any single violation shall not exceed $2,500. If it is found, pursuant to a terminal audit, that a serious pattern of safety violations, other than record-keeping requirements or violations of chapter 90F, exists or has occurred, a civil penalty not to exceed $1,000 may be imposed for each offense; but the maximum fine for each such pattern of safety violations shall not exceed $10,000. If it is found that a substantial health or safety violation exists or has occurred which could reasonably lead to, or has resulted in, serious personal injury or death, a civil penalty not to exceed $10,000 for each offense may be imposed. With the exception of record-keeping violations and violations of chapter 90F or such other regulations established under this section relating to a license to operate a commercial motor vehicle, as defined in section 1 of chapter 90F, no civil penalty shall be imposed under this section against an employee of a motor carrier for

a violation unless the employee's conduct is found to constitute gross negligence or reckless disregard for safety, in which case the employee shall be subject to a civil penalty not to exceed $1,000.

(d) The amount of any civil penalty, and a reasonable time for abatement of the violation, shall by written order be determined by a court of competent jurisdiction, and all penalties so recovered shall be paid to the Highway Fund of the commonwealth.

Approved June 21, 2006.

Chapter 121. AN ACT RELATIVE TO THE HISTORIC LUCIUS CRAIN TAVERN IN THE TOWN OF HADLEY.

Be it enacted, etc., as follows:

Notwithstanding chapter 79 and chapter 81 of the General Laws or any other general or special law to the contrary, the department of highways shall for highway and historical preservation purposes provide reasonable reimbursement to the owners of the parcel at 100 West street in the town of Hadley, for the cost of relocation of the historic structure, to move the structure away from state highway Route 9, Russell street, which is to be reconstructed and widened by the department. The structure, which is listed in the state and National Registers of Historic Places, shall be moved to a location on the same parcel at 100 West street. Reimbursement by the department shall be subject to execution of an agreement between the department and the owners of the property, specifying the reimbursement amount and procedures, execution of an appropriate preservation restriction in perpetuity for the historic structure, and review and approval of the relocation plan and preservation restriction by the Massachusetts historical commission.

The structure and lot are as shown on a plan entitled "Hadley-Russell Street- Route 9, Right of Way Plan" prepared by the Massachusetts highway department, which is on file with the right of way division of the department of highways.

Approved June 21, 2006.

Chapter 122. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2006 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make forthwith appropriations for the fiscal year beginning July 1, 2005, and to make certain changes in law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2006, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts and subject to laws regulating the disbursement of public funds. Notwithstanding any general or special law to the contrary, appropriations made in this act shall not revert and shall be available for expenditure until June 30, 2007. The sums in said section 2 shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

JUDICIARY.

Trial Court.

0330-0410 ..... $83,000

Hampden County District Attorney.

0340-0500 ..... $680,410

SECRETARY OF THE COMMONWEALTH.

0521-0000 ..... $67,465
0540-2000 ..... $42,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

1108-1011 ..... $35,076
1232-0100 ..... $5,000,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Department of Veterans' Services.

1410-0010 ..... $235,500
1410-0012 ..... $107,757

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

2000-0100 ..... $855,000
2030-1000 ..... $397,000

Department of Environmental Protection.

2200-0100 ..... $250,000

Department of Fish and Game.

2300-0100 ..... $50,000
2310-0200 ..... $50,000
2330-0100 ..... $340,000

Department of Conservation and Recreation.

2800-0200 ..... $2,750,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Office of the Secretary.

4000-0112 ..... $400,000

Department of Elder Affairs.

4000-0600 ..... $2,000,000

Soldiers' Home in Massachusetts.

4180-0100 ..... $25,000

Department of Transitional Assistance.

4400-1000 ..... $125,000
4403-2120 ..... $1,000,000

Department of Public Health.

4510-0100 ..... $468,000
4510-0150 ..... $1,500,000
4512-0103 ..... $300,000
4512-0200 ..... $20,100,000
4512-0500 ..... $850,000
4516-1000 ..... $2,418,038

Department of Social Services.

4800-0038 ..... $412,000

Department of Mental Health.

5047-0001 ..... $253,716

Department of Mental Retardation.

5920-2000 ..... $85,000

EXECUTIVE OFFICE OF TRANSPORTATION.

Department of Highways.

6010-0001 ..... $100,000

EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT.

Department of Housing and Community Development.

7004-0099 ..... $385,000

Department of Workforce Development.

7003-0702 ..... $1,789,999

Division of Insurance.

7006-0020 ..... $200,000

Department of Business and Technology.

7007-0900 ..... $835,000
7007-1000 ..... $500,000
7007-1200 ..... $150,000

Department of Education.

7061-9404 ..... $52,858
7100-0200 ..... $399,316

EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.

Office of the Secretary.

8000-0000 ..... $869,000

Department of Fire Services.

8324-0000 ..... $75,000

Registry of Motor Vehicles.

8400-0001 ..... $400,000

Military Division.

8700-0001 ..... $460,802

Department of Correction.

8900-0001 ..... $875,000

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain

requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise, for the several purposes and subject to the conditions specified in this section, and subject to laws regulating the disbursement of public funds. Notwithstanding any general or special law to the contrary, appropriations made in this section shall not revert and shall be available for expenditure until June 30, 2007. The sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items.

JUDICIARY.

Trial Court.

0330-0318 For the Boston municipal court to fund treatment coordinators and support services for intensive probation, supervision and treatment initiatives to treat nonviolent, substance-abusing offenders $200,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of the Secretary.

1100-1560 For the Massachusetts Development Finance Agency; provided, that not less than $500,000 shall be expended by the agency for the planning for a new mission to be executed by the Massachusetts air national guard at Otis air national guard base; and provided further, that not less than $500,000 shall be expended by the agency for the planning and development of a homeland security training center to be located on the Massachusetts military reservation $1,000,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Reserves.

1599-1110 For the costs associated with section 17 of this act $157,609

1599-7800 For a reserve to meet the fiscal year 2006 costs of salary adjustments for justices of the supreme judicial court, appeals court and trial court, and certain other employees pursuant to sections 41, 42 and 44 of this act $6,998,409

1599-7900 For the costs associated with sections 39, 40, 43, 45, 46, 47, 48 and 49 of this act $2,004,590

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Agricultural Resources.

2511-2000 For the Agricultural Innovation Center; provided that the Agricultural Innovation Center shall be established in consultation

with the Center for Agriculture at the University of Massachusetts Amherst; provided further, that the Agricultural Innovation Center shall provide a broad range of technical and business development services to the commonwealth's agricultural producers that may add value to the producers products and services; provided further, that the Agricultural Innovation Center shall develop an outreach program to identify and foster new, innovative ideas and approaches to adding value to the commonwealth's agricultural economy; provided further, that the Agricultural Innovation Center shall solicit requests from the commonwealth's agricultural industry for funding and technical assistance in training, marketing, distribution, applied research, agri-tourism, aquaculture, forestry, processing, fiber and agricultural resource management; provided further, that $200,000 shall be expended for a public/private program of matching funds between the food science department of the University of Massachusetts Amherst and private food industry businesses with the purpose of establishing the research, scientific and regulatory frame-works to expand the creation and production of high value, high growth and high profitability functional foods and to stimulate growth and profitability in the food producing industries in Massachusetts, and provided, further, that the food industry must provide at least a 100 per cent match $3,200,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Office of the Secretary.

4000-0265 For the purpose of providing one-time grants to community health centers; provided, that $200,000 shall be expended for the Dimock Community Health Center located in the Egleston square neighborhood in the Roxbury section of the city of Boston for health care and traditional housing to the medically underserved patients from the Roxbury, Dorchester and Jamaica Plain sections of the city of Boston; provided further, that $200,000 shall be expended for Whittier Street Community Health Center in the Roxbury section of the city of Boston for adult and child behavioral health services to the homeless, immigrant and refugee populations; provided further, that $200,000 shall be expended for a community health

center serving a disadvantaged population in the Mattapan section of the city of Boston; provided further, that $100,000 shall be expended for the Fenway Community Health Center located in the Fenway section of the city of Boston which provides health care to gay and lesbian populations; provided further, that $100,000 shall be expended for South Cove Community Health Center located in the Chinatown section of the city of Boston which provides health care to immigrant and linguistically diverse populations; provided further, that $200,000 shall be expended for the Harvard Street Health Center located in the North Dorchester section of the city of Boston; provided further, that $200,000 shall be expended for the Roxbury Comprehensive Community Health Center (RoxComp) to mitigate health care disparities; and provided further, that $300,000 shall be expended for the Manet Community Health Center in the city of Quincy $1,500,000

4000-0305 For an advanced, enterprise-wide healthcare decision support system and reporting and analysis capabilities; provided, that the total fiscal year 2006 cost of that program shall not exceed the amount appropriated herein, of which up to 90 per cent is eligible for federal financial participation (FFP); provided further, that such system and capabilities shall supplement and enhance any existing healthcare data warehouse functionality developed by the executive office of health and human services and shall include, but are not limited to: program integrity functions, including Surveillance Utilization Review (SURS) and fraud and abuse detection and investigation capabilities; financial, clinical and utilization analysis; eligibility and enrollment analysis; evaluation of both fee-for-service and managed care programs; beneficiary and provider profiling; budgeting, forecasting and, cost driver analysis; disease management and case management program evaluation and support; pharmaceutical analysis; federal waiver analysis; Medicaid Administrative Reporting (MARS) and federal reporting; executive information system capabilities; and ad hoc query and reporting; and provided further, that, the executive office shall issue a request for proposal by August 1, 2006, with an award by November 1, 2006, for the program, to a qualified vendor selected in a competitive process $1,000,000

Department of Education.

7035-0123 For grants to be administered by the department of education to provide grants to junior achievement organizations; provided, that the grants shall be for programs and services that expand the participation and involvement in educational opportunities and activities for youths $500,000

BOARD OF HIGHER EDUCATION.

7066-0115 For the purposes of implementing section 15E of chapter 15A of the General Laws to encourage private fundraising by the commonwealth's public institutions of higher education for the endowments and capital outlay programs of those institutions; provided, that funds shall be disbursed on a quarterly basis in proportion to the amount of funds raised by each institution; provided further, that the board of higher education shall implement this program in a manner which ensures that each institution shall have an equal opportunity to secure matching funds from this item; provided further, that $7,000,000 shall be allocated to University of Massachusetts campuses; provided further, that $3,000,000 shall be allocated to state college campuses; and provided further, that $3,000,000 shall be allocated to community college campuses; and provided further, that if any funds allocated herein for disbursement to state and community college campuses shall be unused, the remaining funds shall be made available to University of Massachusetts' campuses $13,000,000

University of Massachusetts.

7100-0400 For an ongoing study conducted by the University of Massachusetts at Amherst's agricultural department, of the winter moth worm and methods to minimize and or eliminate its damage $150,000

7100-0550 For the University of Massachusetts biomedical institute for discovery to be established at the Worcester campus to support research and innovations; provided the institute shall (i) perform and support basic research relevant to biotechnology and life sciences, (ii) enhance the development of technology in this sector, (iii) provide technical assistance and collaborative research infrastructure in support of small

institutions and current or prospective companies involved in this sector, (iv) involve or employ higher education and secondary education students and faculty in research and in the center's operations, (v) facilitate faculty externships and student internships in this industrial sector, and (vi) foster a collaboration with an enterprise committed to the incubation of new and young companies; provided further, that the institute shall support a center for intelligent high throughput biology and may expend up to $2,500,000 for equipping, establishing and operating 6 shared resource core facilities utilizing high throughput techniques to speed the development of new hypotheses; to create and make available to scientists at small institutions and companies the tools of genomic medicine; and to create the resources to facilitate the development and study of the interactions of chemical compounds, gene products, cells and organisms and the networks formed by these interactions; provided further, that not less than $1,500,000 of these funds shall be used to acquire equipment providing access to state-of-the-art productivity enhancing tools such as robotics of plate and liquid handling, transfection/infection, washing, incubation, plate assay/reading and informatics, including, but not limited to, gene silencing, proteomics and protein fractionation, microarray, sequencing and synthesis chemical biology screening and bioinformatics; provided further, that the institute shall establish a center for stem cell biology and regenerative medicine in further support of the public institutional review board operating pursuant to chapter 111L of the General Laws; provided further, that all intellectual property generated by research within the center shall be identified on the Center's internet site and offered on a first negotiation basis to Massachusetts companies expressing interest; provided further, the center shall create a stem cell biology core to serve as a resource/registry for all established and newly established stem cell lines, provide the expertise to grow and characterize the stem cell lines and make them readily available at cost to the academic and industrial scientific community in the commonwealth, and serve as a catalog and data warehouse storing all new data which becomes available from studies conducted on the stem cell lines; and provided further, that $1,000,000 may be expended for the operations of the stem cell biology

core $2,500,000

7100-0600 For one-time reimbursements to the University of Massachusetts Lowell for excess tuition payments to the commonwealth in fiscal year 2006 ..... $1,208,889

Community Colleges.

7509-1000 For the development of a program at Mount Wachusett community college providing technical assistance to state facilities and public school districts to reduce energy costs through the utilization of renewable energy systems $150,000

7515-0122 For one-time upgrades, replacement, and repair of academic and administrative computers at Roxbury community college $105,600

SECTION 2E. To provide for certain unanticipated obligations of the commonwealth, to provide for certain other activities and projects and to meet certain requirements of law, the sums set forth herein are hereby appropriated from the General Fund for the several purposes and subject to the conditions specified therein, and subject to the provisions of law regulating the disbursement of public funds; provided, that notwithstanding the provisions of any general or special law to the contrary, appropriations made herein shall not revert and shall be available for expenditure until June 30, 2007.

SECRETARY OF THE COMMONWEALTH.

0526-0910 For a program of grants to units of municipal governments and to private, nonprofit organizations for the preservation of historic properties, landscapes and sites; provided, that $40,000 be expended for the West End museum in the city of Boston; provided further, that $100,000 shall be expended for the historic preservation repairs at the Bacon free library in Natick; provided further, that $40,000 shall be expended for the historic preservation of the Winthrop library museum; provided further, that $200,000 shall be expended for the historic preservation and maintenance of a public building on the historic registry in the town of Stoneham; provided further, that $100,000 shall be expended for historic preservation at the Lenox library in the town of Lenox; and provided further, that not less than $200,000 to be expended for the purpose of restoring the Old Indian meeting house, in the town of Mashpee; provided further, that $5,000 shall be expended for the historic preservation repairs to markers at the Brookfield cemetery; provided further, that not less than $75,000 shall be expended for the historic preservation of the

Ipswich public library; and provided further, that said amount shall be matched 100 per cent by said town of Ipswich; provided further, that $75,000 shall be expended for historic preservation of Atheneum hall in the town of Framingham; provided further, that no less than $30,000 be expended for the purpose of further restorations to the Whitman town park designed by Frederick Law Olmstead; provided further, that $100,000 shall be expended for handicap accessibility at the Needham historical society; provided further, that $44,008 shall be expended for Alternatives Unlimited, Inc. to restore the damage caused by a flood in the forge building at Whitin Mill in the town of Whitinsville $1,009,008

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of the Secretary of Administration and Finance.

1599-3748 For a reserve to fund capital projects at state and community colleges; provided, that funds expended from this item shall be prioritized to address the rehabilitation, renovation and maintenance of infrastructure identified as posing an immediate hazard to public safety; and provided further, that the secretary of administration and finance shall file a report with the house and senate committees on ways and means and the house and senate committees on higher education on or before December 1, 2006 detailing the list of projects scheduled to receive prioritized funding through this reserve $50,000,000

1599-3749 To fund costs at the University of Massachusetts associated with planning, and studies, the preparation of plans and specifications, construction, renovation, reconstruction, improvement, demolition, expansion, repair, including furnishings and equipment and related administrative expenses at the University of Massachusetts for campus facilities and grounds capital projects; provided, that funds expended from this item shall be prioritized to address the rehabilitation, renovation and maintenance of infrastructure identified as posing an immediate hazard to public safety; and provided further, that funds appropriated herein shall be transferred by the comptroller to the University of Massachusetts building authority based upon a report submitted by the president of the University of Massachusetts detailing the list of projects scheduled to receive prioritized funding through these funds;

and provided further that the report shall be filed with the house and senate committees on ways and means, the joint committee on higher education, and the secretary of administration and finance on or before December 1, 2006 ..... $50,000,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Conservation and Recreation.

2800-0108 For maintenance of the commonwealth's park and beach system, including improvements to public access; provided, that $50,000 shall be expended for Apponagansett bay in the town of Dartmouth; provided further, that $150,000 shall be expended for the towns of Brewster and Harwich to address a phosphorus imbalance in Long pond; provided further, that $100,000 shall be expended for the design and construction of a boardwalk along Salisbury beach; provided further, that $300,000 shall be expended for improvements to Ambrose park in the city of Revere; provided further, that $100,000 shall be expended for repairs to a boat ramp at Pamet river in the town of Truro; provided further, that $350,000 shall be expended for the Kernwood marina in the city of Salem; provided further, that $50,000 shall be expended for a feasibility study to extend the Ashuwillticook bike trail from its ending point at the Pittsfield-Lanesborough line for an additional 2 miles into the city of Pittsfield; provided further, that $100,000 shall be expended to the town of Medway for storm damage; provided further, that $250,000 shall be expended to the town of Grafton for costs associated with the Lake Ripple dredging project; provided further, that $100,000 shall be expended for the restoration of Merrymount park in the city of Quincy; provided further, that $30,000 shall be expended for the restoration and conservation of Furnace pond in the town of Pembroke; provided further, that $300,000 shall be expended for improvements to Frederick's park in the city of Revere; provided further, that $250,000 shall be expended to the town of Wakefield for the cleanup of Lake Quannapowitt, including its shoreline, bank, buffer zone, and land in the vicinity thereof; provided further, that $150,000 shall be expended for the Jordan pond Project in the town of Shrewsbury; provided further, that $10,000 shall be

expended for the Lake Singletary Watershed Association; provided, further, that $100,000 shall be expended to the town of Holliston for costs and expenses relative to storm and flood damage, a water emergency situation, and other extraordinary or emergency items as determined by the Holliston board of selectmen; and provided further, that $200,000 shall be expended to rehabilitate the Choate park dam in Medway; provided further, that $125,000 shall be expended for the cleanup and maintenance of the Fellsmere pond in the city of Malden; provided further, that $65,000 shall be expended for the cleanup of the Oak Grove culvert in the city of Malden; provided further, that $100,000 shall be expended for improvements in maintenance costs for the Fells reservation area in the cities of Medford, Melrose and Stoneham; provided further, that not less than $500,000 shall be made available for the construction of a bath house at Constitution beach in the East Boston section of the city of Boston; provided further, that $20,000 shall be expended for improvements to Warren Manning park in the town of Billerica; provided further, that not less than $75,000 shall be expended for construction of handicap accessible raised public access walkway along the Great brook in the town of Southwick; provided further, that not less than $75,000 be expended for design of a handicap accessible public access trail at Pynchon point in the city known as the town of Agawam; provided further, that $100,000 shall be expended for improvements to the Vietnam Veterans park in the town of Billerica; provided further, that $40,000 shall be expended to rehabilitate Havey beach reservation in West Roxbury; provided further, that not less than $85,000 shall be expended for reconstruction of a boat launching ramp at Magansett harbor in North Falmouth; provided further, that $100,000 shall be expended for the dredging of Nashawannuck pond in Easthampton; provided further, that $75,000 be expended for design and construction of Pakachoag meadows in Auburn; provided further that $250,000 be expended for the athletic fields in the town of Saugus, including a track located on Dow street in the town of Saugus; provided further, that $25,000 shall be expended for the Indian Lake Watershed Association; provided further, that $150,000 be expended for

sidewalk construction and improvement on the Lynn Fells parkway in the town of Saugus between the Main street intersection and the Saugus/Melrose line; provided further, that $100,000 shall be expended for improvements to the William A. Meaney playground in Dorchester; provided further, that $75,000 be expended for the design of traffic signals at the intersection of Route 44 and Plymouth Mobile Estates; provided further, that $30,000 shall be expended for improvements to Tercentennial park in the town of Framingham; provided further, that $35,000 shall be expended for emergency repairs to the Oak Grove playground in Millis; provided further, that $800,000 shall be expended to the town of Holliston towards acquisition and other improvement costs in connection with the rail trail from the town of Sherborn through a portion of the town of Holliston; provided further, that $100,000 be expended for the improvement of Saxton J. Foss park in the city of Somerville; provided further, that $250,000 be expended for a traffic light at a pedestrian crosswalk at Hawthorne street extension in Cambridge; provided further, that $250,000 be expended to enhance the park land and construct the boat ramp at the land on Route 110 Methuen as the "Beas site"; provided further, that $90,000 shall be expended for park renovations in Stone park in the town of Ashland; provided further, that no less than $45,000 shall be expended for safety repairs to the dam and herring ladder located on the Mattapoisett river at route 6; provided further, that $100,000 shall be expended for the maintenance programs and supplies for Squantum Point park; provided further, that not less than $20,000 shall be expended for costs associated with playground improvements at Purgatory Chasm state reservation; provided further, that $100,000 shall be expended for Pine Tree brook in the town of Milton for the purpose of implementing Phase V of a project for clearing and dredging; provided further, that $1,200,000 shall be expended for the renovation of the Manning pool in the city of Brockton; provided further, that not less than $3,000,000 shall be expended for capital improvements and maintenance costs for Revere beach in the city of Revere of which not less than $80,000 shall be made available for the purpose of installing archways as part of this

project; provided, that $150,000 shall be expended for costs associated with the design and construction of the Charles river skatepark in the city of Cambridge; provided further, that not less than $30,000 shall be expended for the operation of Berkshire Grown, the buy local campaign of Berkshire county; and provided further, that not less than $200,000 shall be expended as a 3-to-1 matching grant for phase II or Parker's river marine and community park in the town of Yarmouth $10,950,000

2800-0610 For design and engineering services related to the renovation of the department of conservation and recreation's community pools considered to be in critical condition or very poor condition in the department's "Key Components Assessment Summary" conducted in 2004; provided, that design and facility operation plans shall be developed in partnership with the local community; and provided further, that $250,000 shall be expended for capital improvements and renovations for the state park at Fort Phoenix in the town of Fairhaven, including $40,000 for preservation of and structural repairs to the fortifications, gunpowder magazine and retaining walls of Fort Phoenix $1,750,000

2850-1511 For a grant program to fund the rehabilitation, reconstruction and construction of sea walls; provided, that preference of funding for the renovation and construction of the sea walls shall be given to those areas that pose an immediate hazard to public safety $5,000,000

EXECUTIVE OFFICE OF TRANSPORTATION.

Department of Highways.

6005-0030 To provide for transportation improvements, to include road, pedestrian and infrastructure projects; provided, that $336,000 shall be expended for the Bolivar street project in the town of Canton; provided further, that $40,000 shall be expended for flood control on Forest road in Millis; provided further, that $25,000 shall be expended for the Woburn Nelco roadway construction; provided further, that $350,000 shall be expended for the reconstruction and repaving of route 133 in Boxford from the Georgetown/Boxford town line to West Boxford center; provided further, that $200,000 shall be expended for the installation of a stop light and related road

construction at the Winter street and route 53 intersection in the town of Duxbury; provided further, that $500,000 shall be expended for the route 97 intersection project in the town of Wenham; provided further, that $200,000 shall be expended for traffic signals and roadway improvements at the intersection of Bolton street and Rockdale avenue located in the south end of New Bedford; provided further, that $125,000 shall be expended for the replacement of a culvert on Bridge street in the town of Dennis; provided further, that $45,000 shall be expended for improvements to the sidewalk on North Main street in Sherborn to meet the standards of the Americans with Disabilities Act; provided further, that $200,000 shall be expended for the construction of a new highway barn and salt shed in the town of Medway; provided further, that $100,000 shall be expended for the Old Center/Common project in North Andover; provided further, that $100,000 shall be expended for design and construction of sidewalks on Green street in the town of Lynnfield; provided further, that $100,000 for platform repairs in the town of Stoughton; provided further, that $800,000 shall be expended for the Chicopee riverwalk and bikeway project; provided further, that $100,000 shall be expended for the rehabilitation of the Fisher street bridge in the town of North Attleboro; provided further, that $30,000 shall be expended for a feasibility study conducted by the towns of Wakefield and Lynnfield for recreational pathways abutting Reedy meadow; provided further, that $200,000 shall be expended to restore and expand 2B Oak street in the town of Medway; provided further, that $125,000 shall be expended for emergency road repairs as the result of heavy rains in the town of Bernardston; provided further, that $325,000 shall be expended for sidewalks on Franklin street in the town of Reading; provided further, that $100,000 shall be expended for the redesign and engineering of the intersection of Chestnut street and route 1 in the town of North Attleboro; provided further, that $900,000 shall be expended for the fourth phase of the East street renovation project in the town of Ludlow; provided further, that $200,000 shall be expended for road improvements on Achusnet avenue and Braley road in the city of New Bedford; provided further, that $50,000 shall be provided to the city of Northampton for a study and

preparation of plans to correct drainage problems in the Federal street and Bernache street areas of that city; provided further, that $250,000 shall be expended for improvements to traffic flow in Billerica center; provided further, that $20,000 shall be expended for the construction of a salt shed in the town of Brookfield; provided further, that $2,400,000 shall be expended for improvements on Chestnut street in the town of Needham; provided further, that $50,000 shall be expended for road improvements to route 101 in the town of Templeton; provided further, that $80,000 be allocated for the construction of a crosswalk along the border of the town of Lexington and the city of Waltham; provided further, that not less than $50,000 shall be expended for the Gateway to the Manor project in the town of Dedham; provided further, that $70,000 shall be expended for emergency road and infrastructure repairs as the result of the heavy rains of July 18, 2005 in the town of Whately; provided further, that not less than $50,000 shall be expended to the town of Bellingham for restoration and preservation of historic buildings; provided further, that not less than $300,000 shall be expended for the installation of a traffic signal to allow for U-turns on route 1 in the town of Westwood; provided further, that $40,000 shall be expended to the town of Littleton for signalization lighting at the Littleton high school entrance located on King street in the town of Littleton as part of the Route 2A/Route 110 Traffic Improvements, Littleton High School Turn Lane project as shown on a plan prepared for the Massachusetts highway department by the Berkshire Design Group, Inc. dated May 10, 2004; provided further, that $795,000 shall be expended for the renovation of the Rockland street bridge in the town of Wellesley; provided further, that not less than $25,000 shall be expended for said department to conduct a feasibility study on erecting sound barriers along Route I-93 in Somerville; provided further, that $100,000 shall be appropriated for emergency repairs to bridges, culverts, and waterways caused by floodwaters in the town of Mendon; provided further, that $50,000 shall be expended to the town of Littleton for right of way acquisitions on 2 parcels located at 62-64 King street in the town of Littleton as part of the Route 2A/Route 110 Traffic Improvements,

Littleton High School Turn Lane project as shown on a plan prepared for the Massachusetts highway department by the Berkshire Design Group, Inc. dated May 10, 2004; provided further, that $100,000 shall be appropriated for emergency repairs to bridges, culverts, and waterways caused by floodwaters in the town of Hopedale; provided further, that $400,000 shall be appropriated for emergency repairs to bridges, culverts, and waterways caused by floodwaters in the town of Milford; provided further, that not less than $100,000 be expended for improvements to the Memorial bridge rotary in West Springfield; provided further, that $85,000 shall be expended for improvements to the sidewalks on North Main street in the town of Andover; provided further, that not less than $200,000 shall be expended for design and development of Quinebaug valley rail trail; provided further, that $250,000 shall be expended for roadway and infrastructure improvements on Essex street from Danvers road to the Lynn line in Swampscott; provided further, that $90,000 shall be expended for sidewalk construction in the town of Ashland; and provided further, that $100,000 shall be expended for the repaving of Paradise road in Swampscott; provided further, that $50,000 shall be expended for a feasibility study of the Blackstone valley regional salt shed in the town of Sutton; provided further, that $155,000 shall be expended for the Granite avenue and the Neponset river bike path traffic signal; provided further, that $125,000 shall be expended for roadway, culvert and waterway repairs in the town of Leyden; provided further, that $100,000 shall be expended for the design and construction of full traffic signalization in the vicinity of the Holbrook public safety complex at the intersection of King street and South Franklin street in the town of Holbrook; provided further, that $50,000 shall be expended for the installation of new and improved lighting for the safety of MBTA riders at the JFK/UMASS and Fields Corner Red Line stations; provided further, that no less than $300,000 shall be expended for sidewalks on Elm street in the town of East Bridgewater, from North Central to Belmont street, and on Belmont street from Elm to Summer street, and on Spring street from Bedford to Winter street; provided further, that not less than $1,000,000 shall be expended for improvements along the Blue Hills parkway, including but not limited to in-

frastructure and road improvements, signalization, sidewalks, lighting, safety and aesthetic improvements, in the town of Milton; provided further, that $16,000 shall be expended to improve, upgrade and repair traffic signals at the intersection of route 16 and Hopedale street in Hopedale; provided further, that the bicycle program within the executive office of transportation, in collaboration with the official sponsor of the event, state, regional and local agencies and cities and towns, shall accept the established bicycle route of the Pan Mass Challenge and shall designate and mark the bicycle route by means of signs bearing the official logo of the event; provided further, that $15,000 shall be expended for the purchase, post fabrication and installation of Pan Mass signs along the Pan Mass route from Sturbridge to Bourne; provided further, that $50,000 shall be expended on the planning, design and construction of sidewalks on route 22 in the town of Wenham; provided further, that $50,000 shall be expended for the South Main street improvement project in the town of Middleton; provided further, that $118,334 shall be expended for the emergency reconstruction of state highway route 68 in the town of Royalston; provided further, that $13,000 shall be expended for funds to reimburse the town of Royalston for expenditures regarding the breach of a beaver dam that caused the collapse of Route 68; provided further, that $250,000 shall be expended for the design and construction of a south-bound ramp for route 495 in the towns of Mansfield and Norton; provided further, that not less than $150,000 shall be expended for a study on improvements to the Crescent street parking garage in the city of Waltham; provided further, that $10,000 shall be expended for design of a recreation trail along route 2 in the town of Harvard; provided further, that $40,000 shall be expended for signal lights at the Assabet river rail trail crossing of Route 85 (at the corner of Giasson Street) in the town of Hudson; provided however, $225,000 shall be expended for pedestrian safety and roadway improvements for the purpose of reducing excessive vehicular speed along the Dell avenue corridor in the city of Melrose; $13,473,334

6005-0238 For the repair of a stone embankment along the Turkey Hill Run waterway, located at 238 Rockland street in Hingham, that runs under Rockland street and into the Weir river in Hing-

ham $25,000

6033-0592 For construction and reconstruction projects on town and county ways as described in subdivision (a) of clause (2) of section 34 of chapter 90 of the General Laws; provided, however, that all funds appropriated pursuant to this account shall be in addition to all capital funds otherwise allocated or obligated and said appropriation shall not operate to reduce or replace any capital funds required to be made available for chapter 90 purposes; provided further, that notwithstanding chapter 29 of the General Laws or any other general or special law to the contrary, all funds appropriated herein shall be used exclusively to reimburse chapter 90 capital expenses arising out of prior capital authorizations and that all funds appropriated herein shall be used before using existing capital funds for reimbursements; provided further, that all funds appropriated herein shall be distributed based on the formula used by the highway department to distribute capital funds made available pursuant to chapter 90 in fiscal year 2006; provided further, that a city or town shall comply with the procedures established by the highway department; provided further, that the city or town may appropriate for the projects amounts not in excess of the amount provided to the city or town under this item; provided further, that the appropriation shall be made as an available fund upon approval of the commissioner of revenue pursuant to section 23 of chapter 59 of the General Laws; and provided further, that the commonwealth shall reimburse the city or town under this item within 30 days of receipt by the department of a request for reimbursement from the city or town, which request shall include certification by the city or town that actual expenses have been incurred on projects eligible for reimbursement under this item, and that the work has been completed to the satisfaction of the city or town according to the specifications of the project and in compliance with applicable law and the procedures established by the department $55,000,000

EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT.

Department of Housing and Community Development.

7004-0097 For economic grants to municipalities; provided further, that not less than $150,000 shall be expended for improvements to the

Stevens library in North Andover; provided, that $40,825 shall be expended for the Rockland community center; provided further, that $50,000 shall be expended to the Salisbury historical society to complete a historic building restoration and create a town history museum and visitors center at Parson's corner in Salisbury; provided, further, that not less than $13,622 shall be expended for repair of the kitchen facilities at Lawrence senior center; provided further, that $500,000 shall be expended for the Mohawk theatre, subject to a 100 per cent funding match; provided further, that $16,000 shall be expended for emergency flood remediation in the town of Athol; provided that $500,000 shall be expended in the city of Peabody for a one time matching funds for the North river flood control project; provided further, that $1,100,000 shall be expended to the town of Norwood for a one-time matching grant for the elderly population growth project; provided further, that $40,000 shall be expended to the Woburn redevelopment authority for improvements to an elevator to meet the standards of the Americans with Disabilities Act; provided further, that $1,500,000 shall be expended for the state contribution for a recreational complex in the town of Wrentham; provided further, that $100,000 shall be expended for the renovation of the Bing theatre in Springfield; provided further, that $125,000 shall be expended for the renovation of municipal infrastructure in the town of Webster; provided further, that $68,000 shall be expended for the North Adams airport; provided further, that $200,000 shall be expended for revitalization of the Weymouth landing area in the town of Weymouth; provided further, that $50,000 shall be expended for an economic development project in the city of New Bedford at the Elco dress factory; provided further, that $15,000 shall be expended for the WWII monument in the town of Hamilton; provided further, that $400,000 shall be expended for costs associated with the Tewksbury center expansion project on Chandler street in the town of Tewksbury; provided further, that $50,000 shall be expended for the destruction of old army bunkers located on the division of fisheries and wildlife land in the town of Hingham; provided further, that $250,000 shall be expended

for new seating in the historic Chevalier auditorium in Medford; provided further, that $200,000 shall be expended to assist the town of Burlington for the renovation and expansion of the Grand View farm; provided further, that $50,000 shall be expended for the Cambridge housing authority work force program; provided further, that $50,000 shall be expended for the destruction of old army bunkers located on Massachusetts highway department land in the town of Hingham; provided further, that not less than $1,000,000 shall be expended for Our House Family Learning Center of the Merrimack valley; provided further, that $75,000 shall be provided to World is Our Classroom, Inc. serving the towns of Holyoke, Westfield, Chicopee and Greenfield; provided further, that $250,000 shall be expended for the improvement of recreational sites in the town of West Bridgewater; provided further, that not less than $2,000,000 shall be expended for the purpose of expanding the groundwater monitoring system in the city of Boston; provided further, that $50,000 shall be expended for the Amesbury Carriage Alliance in the Amesbury lower milliard to preserve and renovate an existing building into a carriage museum, visitors center and artisans center; provided further, that $1,430,000 shall be expended for renovations and upgrades for Winthrop recreational areas; provided further, that $40,000 shall be expended to assist the city of Newton with a smart growth development plan for Newton center; provided further, that $1,000,000 shall be expended for pollution prevention at the tri-town landfill in Heath; provided further, that $225,000 shall be expended to the town of Wayland for a generator for the purpose of emergency evacuation; provided further, that $205,000 shall be expended for the Major Taylor memorial in Worcester; provided further, that $300,000 shall be expended for the McPherson youth center in the town of Beverly; provided further, that $200,000 shall be expended to reconstruct the parks and fields in the town of Medway; provided further, that $100,000 shall be expended for an economic development project in the town of Braintree; provided further, that $1,500,000 shall be expended for the Blackstone river bikeway and visitor center including, but not limited to, engineering, design, construction and permitting; provided further, that the department of conservation

and recreation shall be responsible for the Blackstone river bikeway and may enter into agreements with local communities, as well as, private non profit organizations for the construction, care and maintenance of the Blackstone river bikeway; provided further, that $1,600,000 shall be expended for commonwealth contribution funds related to the route 146 connector project in the city of Worcester; provided further, that $175,000 shall be expended for the Greenwood memorial bathhouse; provided further, that $280,000 shall be expended for a park renovations at the Municipal youth center in the city of Beverly; provided further, that $200,000 shall be expended for a matching contribution for the enhancement of recreational sites in the town of Reading; provided further, that $75,000 shall be expended to the Hyannis Athletic Association for field improvements to McKeon field in Hyannis; provided further that $75,000 shall be expended to the town of Barnstable J.F.K. statue committee as a one-time matching grant to erect a statue honoring the late President John F. Kennedy at the J.F.K. museum located in the village of Hyannis; provided further, that $200,000 shall be expended for the design and construction of a senior center in the town of Hanover; provided further, that not less than $250,000 be expended for a joint housing rehabilitation project in the city of Gardner and the town of Templeton; provided further, that $100,000 shall be provided to Lilly library in the Florence section of the city of Northampton for historic preservation, reconstruction, window installation and brick re-pointing and cleaning, the funds to supplement any funds provided by the board of library commissioners; provided further, that $75,000 shall be expended for repair and renovation of the Danforth building in the town of Framingham; provided further, that $150,000 shall be expended to the town of Belmont for a one-time matching grant for the construction of a senior citizen center; provided further, that $200,000 shall be expended for the town of Kingston senior center; provided further, that $5,000,000 shall be expended for the re-construction of the Manning bowl in the city of Lynn; provided further, that not less than $250,000 shall be expended for a community action grant associated with improvements to the site of the 1999 Worcester cold storage warehouse fire in the

city of Worcester; provided further, that $40,000 shall be expended for the maintenance and upkeep of Plympton town hall; provided further, that not less than $100,000 shall be expended for the Worcester county convention and visitor's bureau located in the city of Worcester; provided further, that $175,000 shall be expended to the Worcester Educational Development Foundation; provided further, that not less than $1,000,000 shall be expended for the renovation of the Haverhill stadium and that not less than $200,000 shall be expended for the renovation of the Cawley stadium in Lowell; provided further, that not less than $20,000 be provided to the Millville senior center for food service and maintenance equipment; provided further, that $1,000,000 shall be expended for the demolition, design and reconstruction of the Bellegarde boat house in the city of Lowell upon transfer of care and control of the boat house to the University of Massachusetts Lowell; provided further, that the town of Halifax shall receive not less than $50,000 for the Monoponsett pond weed; provided further, that $200,000 shall be expended for the design of a senior center in the town of Plymouth; provided further, that $400,000 shall be expended for the construction of the Springfield public market; provided further, that no less than $200,000 shall be provided for brownfield redevelopment projects in the city of Lynn; provided further, that $200,000 shall be expended for the Central Square theater project in the city of Lynn; provided further, that $75,000 shall be expended for safety upgrades in the town of Franklin; provided further, that $100,000 shall be expended for the revitalization of downtown Hingham; provided further that not less than $100,000 be allocated for the repairs and renovation of the Charles river landing at Watertown square; provided further, that $100,000 shall be expended for the design and construction of a permanent bandstand or gazebo on the ground of Sunset lake in the town of Braintree; provided further, that $500,000 shall be expended for the conversion of Korean War microfilm and all remaining paper records of veterans and members of the Massachusetts national guard to an electronic format to enhance compliance with section 15 of chapter 33 of the General Laws pertaining to the adjutant general maintaining a roster of all veterans by city and town; provided further, that

$160,000 be expended for the Sharon community center to be utilized for the Americans with Disabilties Act compliance projects therein; provided further, that $100,000 shall be expended for the Hampden senior center; provided further, that $200,000 shall be expended for the Medway senior center; provided further, that not less than $100,000 be expended for the planning of design of the Agawam senior center in the city known as the town of Agawam; provided further, that not less than $50,000 shall be expended for a grant to the town of Wakefield for the purposes of conducting a study to alleviate the parking and public safety problems at the northeast metropolitan regional vocational school, Wakefield high school and the Woodville school; provided further, that $50,000 shall be expended for repairs to the Hamilton community center in Newton Lower Falls; provided further, that $100,000 shall be expended for the renovation of St. Anne's for the Maria Quintana family center in the city of Lawrence; provided further, that $400,000 shall be expended for the renovation expenses at the East Longmeadow senior center; provided further, that $60,000 shall be expended for upgrades and improvements at the Abington memorial stadium in Abington; provided further, that not less than $83,000 shall be expended for Our Father's House in Fitchburg; provided further, that not less than $100,000 shall be expended to the town of Randolph for capital improvements to the Joseph J. Zapustas arena; provided further, that $2,000,000 shall be expended for the renovation of the Wallace civic center and planetarium in the city of Fitchburg, contingent on payment of $1, for a 99 year lease for the facility between the Wallace civic center board of trustees and the commonwealth, acting on behalf of Fitchburg state college; and provided further, that $25,000 shall be expended for the Braintree councils on aging for structural improvements to meet the standards for the Americans with Disabilities Act $30,361,447

BOARD OF HIGHER EDUCATION.

State Colleges.

7116-0102 For a matching grant for improvements to Rockwood Field located at Worcester state college; provided, that the match

shall be $1 of private funds for every dollar of state funds raised through alumni contributions; provided, that no funds shall be expended until an equal or greater amount has been raised through alumni contribution and committed by Worcester State College Foundation for the project; and provided further, that the college shall work with the city of Worcester $250,000

Community Colleges.

7509-0102 For the one-time maintenance on the fields and recreational sites at the Mount Wachusett community college $100,000

EXECUTIVE OFFICE OF PUBLIC SAFETY .

8000-0051 For the city of Worcester for the Worcester public safety complex $2,000,000

House of Representatives.

9700-0201 For funding to repair the camera equipment used to television legislative sessions of the house of representatives $2,000

SECTION 3. Section 1 of chapter 6 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 1, the figure "$135,000" and inserting in place thereof the following figure:- $140,535.

SECTION 4. Section 2 of said chapter 6, as so appearing, is hereby amended by striking out, in line 1, the figure "$120,000" and inserting in place thereof the following figure:- $124,920.

SECTION 5. Section 3 of said chapter 6, as so appearing, is hereby amended by striking out, in line 1, the figure "$25,000" and inserting in place thereof the following figure:- $26,025.

SECTION 6. Section 38K of chapter 7 of the General Laws, as so appearing, is hereby amended by inserting after the word "authorities", in line 5, the following words:— and projects requesting funding from the Massachusetts School Building Authority.

SECTION 7. Section 1 of chapter 9 of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the figure "$120,000" and inserting in place thereof the following figure:- $124,920.

SECTION 8. Section 26 of said chapter 9, as so appearing, is hereby amended by striking out, in line 7, the word "twelve" and inserting in place thereof the following figure:— 11.

SECTION 9. Said section 26 of said chapter 9, as so appearing, is hereby further amended by striking out, in lines 9 and 10, the words "the Bay State Historical League, one

from a list of three nominees submitted by".

SECTION 10. Section 1 of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the figure "$120,000" and inserting in place thereof the following figure:- $124,920.

SECTION 11. Section 1 of chapter 11 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the figure "$120,000" and inserting in place thereof the following figure:- $124,920.

SECTION 12. Section 1 of chapter 12 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the figure "$122,500" and inserting in place thereof the following figure:- $127,523.

SECTION 13. Chapter 15A of the General Laws is hereby amended by striking out section 15E, as so appearing, and inserting in place thereof the following section:-

Section 15E. It is hereby declared to be the policy of the commonwealth to encourage private fundraising by the state university and public colleges and to assist fundraising through a matching program to be known as the public higher education endowment incentive and capital outlay contribution program which shall not result in direct or indirect reductions in the commonwealth's appropriations to the institutions for operations or for capital support.

Subject to appropriation, the commonwealth shall contribute funds to each institution's recognized foundation in an amount necessary to match private contributions in the current fiscal year to the institutions or a foundation's endowment or capital outlay program based on the following matching formula: subject to appropriation, the commonwealth's contribution shall be equal to $1 for every $2, or $1 for the greater number of dollars established by the board of higher education, privately contributed to the university's board of trustees or a foundation; provided, that the maximum total contributions from the commonwealth shall be $50,000,000; $1 for every $2, or $1 dollar for such greater number of dollars as may be established by the board of higher education, privately contributed to each state college's board of trustees or foundation; provided further, that the maximum total contributions from the commonwealth shall be $5,000,000 for each institution; $1 for every $2, or $1 for such greater number of dollars as may be established by the board of higher education, privately contributed to each community college's board of trustees or foundation; and, provided further, that the maximum total contributions from the commonwealth shall be $2,000,000 for each institution.

Private contributions to the endowment or capital outlay program for purposes of these matching grant programs shall be limited to donations to an endowment for academic purposes including, but not limited to, scholarships and endowed chairs or contributions to a capital outlay program in support of academic facility construction and maintenance approved by the appropriate board of trustees.

The program shall terminate for a university when its foundation has received $50,000,000 in appropriated matching funds according to the formula prescribed above, or on July 1, 2010, whichever is sooner. The program shall terminate for a state college when

its foundation has received $5,000,000 in appropriated matching funds according to the formula prescribed above or on July 1, 2010, whichever is sooner. The program shall terminate for a community college when its foundation has received $2,000,000 in appropriated matching funds according to the formula prescribed above or on July 1, 2010, whichever is sooner.

For each institution, the program shall be administered by its foundation, as defined in section 37, in accordance with procedures established by the board of trustees and filed with the house and senate committees on ways and means, the joint committee on higher education, and the secretary of administration and finance no later than 30 days from the time of adoption. Any further amendments to the procedures shall also be filed within 30 days of adoption with the house and senate committees on ways and means, the joint committee on higher education, and the secretary of administration and finance. The procedures shall include a method for each board of trustees to certify to the house and senate committees on ways and means, the joint committee on higher education, and the secretary of administration and finance the actual amount received in private contributions to the endowment or capital outlay program in each fiscal year. The procedures shall also include safeguards for protecting the anonymity of donors who indicate their desire not to be identified. For the state university, the procedures shall also provide that the allocation of all matching funds from the commonwealth shall be subject to prior approval by the president of the university.

SECTION 14. Chapter 21A of the General Laws is hereby amended by inserting after section 7, as so appearing, the following section:-

Section 7B. The chancellor of the University of Massachusetts Amherst in consultation with the secretary of the executive office of environmental affairs and department of geosciences shall appoint a professional geologist to be state geologist. The state geologist shall perform research on the land, mineral, and water resources of the state; coordinate and facilitate research and communication among various agencies, researchers and stakeholders; collect, compile, analyze and preserve data pertaining to the geologic environment; disseminate the findings of such research to the public through maps, reports, and other publications; and, direct the Massachusetts geological survey. The state geologist shall advise all other branches of state and local government, concerning the geologic character of the state and its implications for both economic and scientific needs in conjunction with all existing and future environmental factors relating to the geology of the state. The state geologist shall maintain liaison with federal and other state geological surveys, and academic institutions. The state geologist shall have a term limit of 5 years at which time the appointment can be reviewed, revoked or renewed.

SECTION 15. Section 64 of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The state treasurer, on behalf of the commonwealth, may contract with an employee to defer a portion of that employee's compensation and may, for the purposes of funding a deferred compensation program for the employee, established in accordance with the United

States Internal Revenue Code, the "Code", invest the deferred portion of the employee's income in a life insurance or annuity contract, mutual fund, a bank investment trust, and/or additional investment alternatives available under the program. The treasurer, before making the investment, shall solicit bids from fund managers, investment managers, and insurance companies authorized to conduct business within the commonwealth pursuant to chapter 175, mutual fund managers, and banks, which bids shall be sealed, and opened at a time and place designated by the treasurer. A bid submitted by an insurance company, mutual fund, bank investment trust or other fund manager or investment manager, to fund the deferred compensation program shall, where applicable, clearly indicate the interest rate which shall be paid on the deferred funds, the commissions which will be paid to the salesmen, the load imposed for the purpose of administering the funds, mortality projections, expected payouts, tax implications for participating employees and other information as the treasurer may require. Any contract entered into between an employee and the commonwealth pursuant to this section shall include the information in terms the employee can reasonably be expected to understand.

SECTION 16. Chapter 32 of the General Laws is hereby amended by striking out section 90C3/4, as so appearing, and inserting in place thereof the following section:-

Section 90C¾. A former state or metropolitan district police officer, retired before July 1, 1992, who has been retired under this chapter or similar provision or earlier law on account of superannuation after having served in the state or metropolitan district police force for a period of not less than 20 years shall have his retirement allowance increased to an amount not exceeding one-half the rate of regular compensation payable to state police officers holding similar positions, at the time of increasing the allowance, in the comparable grade or classification occupied by the former officer at the time of his retirement.

SECTION 17. Section 17 of chapter 37 of the General Laws is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The salaries of the sheriffs of the counties of Barnstable, Bristol, Norfolk, Plymouth and Suffolk and of the former counties of Berkshire, Essex, Franklin, Hampden, Hampshire, Middlesex and Worcester shall be a sum equivalent to 95 per cent of the salary of an associate justice of the superior court. The salaries of the sheriffs of the counties of Dukes County and Nantucket shall be a sum equivalent to 75 per cent of the salary of an associate justice of the superior court.

SECTION 18. Section 20 of chapter 44 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- The provisions of the preceding 2 sentences shall not apply to bond premiums received on or before July 31, 2003.

SECTION 19. Section 57 of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- A real estate tax bill sent out for fiscal year 2008 or any subsequent period pursuant to this section shall contain a statement that there exists a delinquency if any tax, betterment assessment or apportionment thereof, water rate, annual sewer use, or other charge which may constitute a lien is overdue more than 90 days.

SECTION 20. The seventh paragraph of section 57C of said chapter 59, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- A real estate tax bill sent out for fiscal year 2008 or any subsequent period pursuant to this section shall contain a statement that there exists a delinquency if any tax, betterment assessment or apportionment thereof, water rate, annual sewer use, or other charge which may constitute a lien is overdue more than 90 days.

SECTION 21. Section 16 of chapter 62C of the General Laws, as so appearing, is hereby amended by striking out, in lines 18 and 26, the words "number of cigarettes" and inserting in place thereof, in each instance, the following words:- quantity of tobacco products.

SECTION 22. Said section 16 of said chapter 62C, as so appearing, is hereby further amended by striking out, in lines 22 and 25, the word "cigarettes" and inserting in place thereof, in each instance, the following words:- tobacco products.

SECTION 23. Section 1 of chapter 64C of the General Laws, as so appearing, is hereby amended by inserting after the word "commonwealth", in line 6, the following words:- "; tobacco products" shall mean cigarettes, smokeless tobacco, cigars and smoking tobacco.

SECTION 24. Said section 1 of said chapter 64C, as so appearing, is hereby further amended by striking out, in lines 8, 9, 13, 15, 16, lines 20 and 21, lines 24, 28, 31 and 41, the word "cigarettes" and inserting in place thereof, in each instance, the following words:- tobacco products.

SECTION 25. Section 2 of said chapter 64C, as so appearing, is hereby amended by striking out, in lines 1 and 8, the word "cigarettes" and inserting in place thereof, in each instance, the following words:- tobacco products.

SECTION 26. Section 5 of said chapter 64C, as so appearing, is hereby amended by striking out, in lines 3, 7, 8, 11, 13, 17, 19, 25, 26, 37, 38, 43, 45, lines 47 and 48, and in line 50, the word "cigarettes" and inserting in place thereof, in each instance, the following words:- tobacco products.

SECTION 27. Section 2 of chapter 70B of the General Laws, as so appearing, is hereby amended by inserting before the definition of "Advisory board" the following definition:—

"Additional Revenues", any moneys that are not defined as the dedicated sales tax revenue amount that are appropriated, gifted, granted, pledged, or otherwise made available to the authority by the commonwealth, any local governmental entity, the federal government, not-for-profit organizations, for-profit organizations, or private individuals.

SECTION 28. Said section 2 of said chapter 70B, as so appearing, is hereby further amended by inserting after the definition of "Construction manager" the following definition:—

"Dedicated sales tax revenue amount", all moneys received by the commonwealth

equal to 1 per cent of the receipts from sales, as defined by chapter 64H, and 1 per cent of the sales price of purchases, as defined by chapter 64I, from that portion of the taxes imposed under chapters 64H and 64I as excises upon the sale and use at retail of tangible property or of services, and upon the storage, use or other consumption of tangible property or of services, including interest thereon or penalties, but not including any portion of the taxes that constitute special receipts within the meaning of subsection (b) of section 10 of chapter 152 of the acts of 1997 or any portion of the taxes imposed on the sale of meals as defined in paragraph (h) of section 6 of chapter 64H.

SECTION 29. Section 3C of said chapter 70B, as so appearing, is hereby amended by adding the following 3 paragraphs:—

The commonwealth, subject to appropriation and article 62 of the constitution of the commonwealth, may appropriate, pledge its credit, guaranty, or support the funding of capital construction projects, major reconstruction projects, capital improvements required under the Americans With Disabilities Act, new construction, other improvements, major repairs or renovations, any other projects to conform to federal statutory mandates, or projects specifically authorized and funded from additional revenues by legislation enacted by the general court after July 1, 2004.

The authority shall not be obligated to make any expenditures for any commitments, improvements, repairs, renovations, capital construction projects, major reconstruction projects, capital improvements required under the Americans With Disabilities Act, new construction, other improvements, major repairs or renovations, any other projects to conform to federal statutory mandates, or projects specifically authorized or mandated for which the necessary additional revenues to complete these commitments, improvements, repairs, renovations, capital construction projects, major reconstruction projects, capital improvements required under the Americans With Disabilities Act, new construction, other improvements, major repairs or renovations, or any other projects to conform to federal statutory mandates, have not been made available to the authority by the commonwealth.

Any commitments, improvements, repairs, renovations, capital construction projects, major reconstruction projects, capital improvements required under the Americans With Disabilities Act, new construction, other improvements, major repairs or renovations, any other projects to conform to federal statutory mandates, or projects specifically authorized or mandated for which the necessary additional revenues to complete these commitments, improvements, repairs, renovations, capital construction projects, major reconstruction projects, capital improvements required under the Americans With Disabilities Act, new construction, other improvements, major repairs or renovations, or any other projects to conform to federal statutory mandates, so authorized or mandated and for which additional revenues have been made available shall be subject to the rules, laws and regulations of the authority.

SECTION 30. Said chapter 70B is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section:—

Section 5. An eligible applicant may submit to the authority a statement of interest which shall be approved by a vote of the applicable local governing body or bodies as set forth and in a form prescribed by the authority, and which shall state what the eligible applicant believes are the deficiencies in said eligible applicant's respective school facilities that meet one or more of the statutory priorities set forth in section 6, 8 and 9 of this chapter or in such additional regulations as the authority may promulgate. Said statement of interest shall be accompanied by such additional forms, documents, and information as the authority shall deem necessary to review the statement. The submission for a statement of interest shall not commit the authority to accept any further application materials, approve an application, or provide a grant or any other type of funding, or place any other obligation or requirement upon the authority. The authority shall notify an eligible applicant if the authority determines that the statement of interest has not met the criteria established in said sections 6, 8, and 9.

If the authority determines that the statement of interest and associated material merits further consideration, the authority may, in its discretion, invite the eligible applicant to apply to the authority for a school facilities grant to meet in part the cost of a school project; but, a city, town, regional school district or independent agricultural and technical school shall not have an entitlement to funds under this chapter except at the discretion of the authority in accordance with this chapter. Application shall mean a series of documents, forms, letters, statements, certifications, plans, studies, drawings, and other data and information required by the authority to be submitted within the deadlines and in the format prescribed by the authority and shall be accompanied or supplemented by drawings, plans, estimates of cost and proposals for defraying the costs or any additional information the authority may require, before construction is undertaken. The authority shall promulgate regulations establishing the procedural steps by which applications must be made and reviewed, and may at any time during the application process determine that the application does not warrant further consideration, pursuant to the priority criteria established in said sections 6, 8, and 9, and by the authority's regulations.

In the event that an eligible applicant undertakes construction before approval is obtained, the eligible applicant shall remain subject to the authority's approval process as if the construction were not undertaken. An eligible applicant who is eligible for aid under this chapter and establishes extended courses of instruction in a vocational school, as provided in section 37A of chapter 74, and wishes to enlarge or construct a school for the purpose of maintaining extended courses of instruction on a technical institute level shall be eligible to apply for financial assistance in the construction or enlargement of such school in the manner and to the extent provided by this chapter. If the authority invites an eligible applicant to apply, but is unable to approve the application due solely to the limit on total facilities grants established by section 7, at the request of the eligible applicant, the application shall be retained by the authority for 1 year and reviewed in the year immediately following the year of the application; provided that in said review, the project shall be ranked and evaluated

using the priorities established by section 8 and if the application is not approved by the authority during the review, the applicant shall be required to submit a new application; provided, further, that the authority shall require a new application from an applicant seeking to make a substantial change in scope of the project which is the subject of the application subsequent to disapproval by the authority.

SECTION 31. Section 6 of said chapter 70B, as so appearing, is hereby amended by striking out, in line 59, the words "to which such city or town may be entitled".

SECTION 32. Said section 6 of said chapter 70B, as so appearing, is hereby further amended by striking out, in line 69, the words "to which such city, town or regional school may be entitled".

SECTION 33. Section 9 of said chapter 70B, as so appearing, is hereby amended by adding the following subsection:—

(d) A city, town, regional school district or independent agricultural and technical school shall not have entitlement to funds under this chapter except at the discretion of the authority in accordance with this chapter.

SECTION 34. Section 15 of said chapter 70B, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:—

(a) In the event that an eligible applicant sells or leases an assisted structure or facility, or a portion of that structure or facility, on account of which it is receiving grant payments for an approved school project or, in the case of an approved school project approved on or after July 1, 2004, on account of which it has received at least 1 grant payment in the preceding 20 years, under this chapter or under chapter 645 of the acts of 1948, the sale or lease of the assisted structure or facility, or portion of that structure or facility, shall be for no less than fair market value as determined by independent appraisal, unless the eligible applicant receives prior written approval from the authority to do otherwise, and the proceeds from the sale or lease shall be divided between the authority and the general funds of the applicable eligible applicant in proportion to the commonwealth's and authority's prior investments in the assisted structure or facility under this chapter or said chapter 645, as applicable. In the case of an approved school project approved before July 1, 2004, the authority's share of the proceeds shall reduce the balance of outstanding grant payments that would otherwise be payable except for this section and shall not exceed that amount. An eligible applicant which sells, leases or otherwise removes from use by the eligible applicant as a schoolhouse an approved school project on account of which it is receiving grant payments or, in the case of an approved school project approved on or after July 1, 2004, on account of which it has received at least 1 grant payment in the preceding 20 years, under this chapter or under said chapter 645, shall report the sale, lease or removal to the authority in the form and manner and within the time prescribed by the authority. The authority may issue regulations to recapture commonwealth and authority assistance for an approved school facilities projects for school buildings that are removed from service.

SECTION 35. Section 19 of said chapter 70B, as so appearing, is hereby amended

by striking out, in line 2, the words "within 30 days of" and inserting in place thereof the following words:— no later than 14 days before.

SECTION 36. Chapter 90 of the General Laws is hereby amended by inserting after section 32G the following section:-

Section 32G½. The registrar shall promulgate rules and regulations relative to the certification and operation of advanced driver training programs offered within the commonwealth. No person or entity shall engage in the business or provide instruction in an advanced driver training program without certification from the registrar pursuant to such rules and regulations. The registrar may refuse to issue such certification to any individual or entity if the individual or any employee of an entity has: (a) made a material false statement or concealed a material fact in connection with a certification application; (b) has been the holder of a driving school or driving school instructor's license issued pursuant to section 32G that was revoked or suspended by the registrar; (c) has been convicted of a felony, or any crime involving violence, (fraud), (perjury) dishonesty, deceit, indecency, degeneracy, or moral turpitude; or (d) if the registrar determines that any individual or entity had failed to furnish satisfactory evidence of good character, reputation or fitness.

SECTION 37. Section 51M of chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:—

Notwithstanding any general or special law to the contrary, no building or structure for the operation of such business or system shall be newly constructed within 1,000 feet of a residential dwelling until 4 months after the completion of a traffic study by the affected municipality in coordination with the Massachusetts Port Authority and an environmental impact review in accordance with section 62B of chapter 30 has been completed.

SECTION 38. Section 18 of said chapter 118G, as so appearing, is hereby amended by adding the following subsection:-

(q) Within the Medical Assistance Trust Fund as established in section 2QQQ of chapter 29, there shall be a MassHealth provider payment account, administered by the secretary of health and human services. Subject to the availability of federal financial participation, funds may be expended from this account for supplemental Medicaid payments to qualifying providers pursuant to an approved state plan or federal waiver. All Title XIX federal financial participation revenues generated by hospital payments funded by the Medical Assistance Trust Fund, whether the payments are made by the division of health care finance and policy or the executive office of health and human services, shall be credited to the General Fund.

SECTION 39. Section 14 of chapter 185 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "seventy-five and forty-seven hundredths percent" and inserting in place thereof the following words:— 81.57 per cent.

SECTION 40. Section 9A of chapter 185C of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "seventy-five and forty-seven hundredths percent" and inserting in place thereof the following words:— 81.57 per cent.

SECTION 41. Section 22 of chapter 211 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The chief justice shall receive a salary of $151,239 and each associate justice shall receive a salary of $145,984 and the chief justice and each associate justice shall annually receive from the commonwealth upon the certificate of the chief justice the amount of expenses incurred by each of them in the discharge of his duties.

SECTION 42. Section 2 of chapter 211A of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The chief justice shall receive a salary of $140,358 and each associate justice shall receive a salary of $135,087 and the chief justice and each associate justice shall annually receive from the commonwealth upon the certificate of the chief justice the amount of expenses incurred by each of them in the discharge of his duties.

SECTION 43. Section 6 of chapter 211A of the General Laws, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words "seventy-nine and nine-tenths percent" and inserting in place thereof the following words:- 81.57 per cent.

SECTION 44. Section 4 of chapter 211B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the first 3 paragraphs and inserting in place thereof the following 3 paragraphs:-

The salaries of the justices of the trial court shall be paid by the commonwealth. Each associate justice shall receive a salary of $129,694.

The chief justice of the several departments shall receive a salary of $135,124.

The chief administrative justice shall receive a salary of $140,358.

SECTION 45. Section 35A of chapter 217 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "seventy-five and forty-seven hundredths percent" and inserting in place thereof the following words:- 81.57 per cent.

SECTION 46. Section 53 of chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words "seventy-five and forty-seven hundredths per cent" and inserting in place thereof the following words:- 81.57 per cent.

SECTION 47. Section 58 of said chapter 218, as so appearing, is hereby amended by striking out, in line 89, the words "seventy-five and forty-seven hundredths percent" and inserting in place thereof the following words:- 81.57 per cent.

SECTION 48. Section 79 of said chapter 218, as so appearing, is hereby amended by striking out, in line 2, the words "seventy-five and forty-seven hundredths percent" and inserting in place thereof the following words:- 81.57 per cent.

SECTION 49. Section 94 of chapter 221 of the General Laws, as so appearing, is hereby amended by striking out, in lines 18 and 19, the words "seventy-five and forty-seven hundredths percent" and inserting in place thereof the following words:- 81.57 per cent.

SECTION 50. Section 4 of chapter 703 of the acts of 1963 is hereby amended by striking out clause (n), as appearing in section 8 of chapter 800 of the acts of 1985, and inserting in place thereof the following clause:—

(n) to invest any funds held by it pending disbursement in such investments as may be lawful for fiduciaries in the commonwealth.

SECTION 51. Section 10 of chapter 152 of the acts of 1997 is hereby amended by striking out subsection (c), as amended by section 64 of chapter 352 of the acts of 2004 and inserting in place thereof the following subsection:—

(c) In order to increase the marketability of special obligation bonds described in section 11 and any other bonds issued by the commonwealth which are payable from amounts held in the Convention Center Fund and thereby ensure the issuance of such bonds at the lowest possible cost to the commonwealth, the special receipts deposited in the Convention Center Fund in accordance with this subsection are hereby impressed with a trust for the benefit of the owners from time to time of such bonds and special receipts shall be applied by the state treasurer without further appropriation to the payment of principal, including sinking fund payments and premium, if any, and interest on such bonds, to the maintenance of, or provisions for, the Capital Reserve Fund described in said section 11, to the payment of the costs of issuance of such bonds and to the payment of the cost of, and the satisfaction of the obligations of the commonwealth under, any surety bond, insurance policy or other form of credit enhancement required or provided for in any trust of security agreement or credit enhancement agreement entered into pursuant to this act to secure such bonds. The state treasurer, with the concurrence of the secretary of administration and finance, shall determine that sufficient amounts are held in the Convention Center Fund to meet debt service payments and compliance with any applicable restrictions relating thereto including, without limitation, any coverage requirements contained in any such trust or security agreement or credit enhancement agreement. If the state treasurer and the secretary of administration and finance determine that the balance of the Convention Center Fund exceeds the amount necessary to satisfy the requirement of sufficiency, then the Authority may make expenditures from the Convention Center Fund, in an amount not to exceed such surplus, for the following purposes: (i) to pay costs, not exceeding $50,000,000, of the heating, ventilating and air conditioning systems for the project if the Authority deems it in the best interest of the Authority to fund such costs in whole or in part from amounts held in the Convention Center Fund rather than through a lease or lease-purchase agreement for such systems; (ii) to pay start-up costs, not exceeding $2,000,000, of the project; (iii) to pay costs, not exceeding $2,000,000, of engineering and construction of surface parking facilities within the convention center development area as defined in section 2 without completion of an antecedent facility study and engineering study as provided in section 38N of chapter 190 of the acts of 1982; (iv) to provide for, and maintain, any reserve for capital and current expenses of the project and other facilities of the Authority as the Authority shall deem necessary to appropriate; provided, however, that the Authority shall receive written approval from the secretary of administration and finance; (v) to defray the net cost of operations, at an amount not to exceed $23,000,000 in Fiscal Year 2004 and that the same amount in each fiscal year thereafter, of the Authority as defined in section 32 of said chapter 190.

SECTION 52. The second sentence of section 210 of chapter 184 of the acts of 2002 is hereby amended by adding the following words:— and, until the University and the commission mutually agree to such compensation, the commission shall remain in occupancy and possession of the taken parcel.

SECTION 53. Item 2100-2012 of chapter 236 of the acts of 2002 is hereby amended by striking out, in lines 56 and 57, the words "that $1,200,000 shall be expended for capital repairs and improvements" and inserting in place thereof the following words:— the department of conservation and recreation may grant to a lessee procured in accordance with the authorization of section 30 of chapter 88 of the acts of 2001 up to $900,000 as a reimbursement grant on a $2 to $1 ratio for every dollar invested by the lessee in improvements and replacements.

SECTION 54. Chapter 149 of the acts of 2004 is hereby amended by striking out section 232 and inserting in place thereof the following section:-

Section 232. Section 1A of chapter 152 of the acts of 1997 is hereby amended by inserting after item 1100-7985 the following item:

1599-0018 For a grant to the town of Wakefield for the cleanup of Lake Quannapowitt, its shoreline, bank, buffer zone, and land in the vicinity thereof $500,000

SECTION 55. Subsection (b) of section 279 of said chapter 149 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

No proposal to lease the Allied Veterans rink in the city of Everett shall be considered responsive, nor shall it be accepted, without a proposal by the same offeror to lease the Cronin rink in the city of Revere, except that a proposal by the city of Everett to lease the Allied Veterans rink, without a proposal to lease the Cronin rink, shall be considered responsive and may be accepted.

SECTION 56. The last paragraph of section 363 of said chapter 149 is hereby amended by striking out, in line 4, the word "November 24, 2004" and inserting in place thereof the following word:- June 30, 2007.

SECTION 57. Paragraph (a) of section 364 of said chapter 149 is hereby amended by striking out, in line 18, the word "April 1, 2005" and inserting in place thereof the following word:- October 1, 2006.

SECTION 58. Chapter 208 of the acts of 2004 is hereby amended by striking out section 47 and inserting in place thereof the following section:—

Section 47. (a) As of July 1, 2004, the Massachusetts School Building Authority shall succeed to all powers previously granted to the board of education and the department of education with respect to projects on the list submitted under section 45. As soon as practicable following July 1, 2004, the commissioner of education shall transfer to the Authority all records and documents which immediately before that date are in the custody

of the board of education or the department of education and which relate to or are maintained for the purpose of the school building assistance program.

(b) The amendments made in this act to chapter 70B of the General Laws shall not affect the schedule of payment for any approved project on the list submitted under section 45 receiving payment as of July 1, 2004, except as specifically provided in this section and in sections 48 to 53, inclusive, of this act. The reimbursement rate paid by the Authority for approved project costs for projects on the list submitted under section 45 shall not be altered from the reimbursement rate under chapter 70B of the General Laws as in effect before the effective date of this act, section 329 of chapter 159 of the acts of 2000 as in effect before July 1, 2004, and section 668 of chapter 26 of the acts of 2003 in effect before July 1, 2004 as a result of the amendments made by this act to said chapter 70B.

(c) Grants for the Authority's share of approved costs of projects on the list submitted under section 45 shall be payable by the Massachusetts School Building Authority rather than by legislative appropriations.

(d) For projects which, before July 1, 2004, were approved by the board of education under either section 6 of chapter 70B of the General Laws, as in effect prior to July 1, 2004, or chapter 645 of the acts of 1948 and for projects on the list submitted under section 45 with respect to which bonds or long-term indebtedness shall have been issued before July 1, 2004, the final approved cost of the project shall include, only to the extent eligible for reimbursement and allowed by the department of education and board of education (i) the eligible interest payable on the authority's share of bonds or long-term indebtedness issued to finance the project, (ii) the eligible interest payable on the authority's share of temporary notes issued to finance the project on or after July 1, 2004 but before receipt of any funding from the authority, and (iii) may, in the discretion of the authority, include eligible principal of any bonds issued before July 1, 2004. For projects on the list submitted by the department of education under section 45 and not approved by the board of education under either section 6 of chapter 70B of the General Laws, as in effect before July 1, 2004, or chapter 645 of the acts of 1948 for which no bonds or long-term indebtedness have been issued before July 1, 2004, approved project costs shall include the authority's share of eligible interest on temporary notes issued to finance the project, paid before the receipt of a grant, but shall not include interest or principal on bonds or long-term indebtedness.

(e) Grants for approved projects shall be paid under a disbursement schedule approved by the authority.

(f) In no event shall the authority be responsible for paying or reimbursing any costs, including but not limited to, project costs, interest or principal on any notes, bonds or long-term indebtedness that were disallowed by the department of education or board of education under any statute, rule, regulation, policy, or established practice.

SECTION 59. Item 0330-2223 of section 2A of chapter 290 of the acts of 2004 is hereby amended by striking out the words "provided further, that if said Lowell court house project is built as a design/build, finance and operate project, so-called, the division of capital

asset management and maintenance shall issue and complete a request for proposals in connection with such project no later than December 31, 2004".

SECTION 60. Subsection (2) of section 19 of said chapter 290 is hereby amended by inserting before the first sentence the following sentence:—Notwithstanding any general or special law to the contrary, the commissioner may select a site for the project and may acquire the site by purchase or gift, or by eminent domain in accordance with chapter 79 of the General Laws, and the requirements of section 5 of chapter 189 of the acts of 1998 shall not apply to the acquisition of the site regardless of the source of funds for the project.

SECTION 61. The first paragraph of paragraph (a) of subsection (3) of said section 19 of said chapter 290 is hereby amended by adding the following sentence:— Developers prequalified on or before February 22, 2005 shall remain prequalified after February 22, 2005 and may submit timely proposals, in accordance with paragraph (b).

SECTION 62. The second paragraph of paragraph (b) of said subsection (3) of said section 19 of said chapter 290 is hereby amended by striking out, in line 1 and 2, the words ", within 30 days after the designation of the selected qualified developers."

SECTION 63. The said second paragraph of said paragraph (b) of said subsection 3 of said section 19 of said chapter 290 is hereby amended by striking out, in line 5, the words "which shall be within 90 days of the issuance of the requests."

SECTION 64. The third paragraph of said paragraph (b) of said subsection (3) of said section 19 of said chapter 290 is hereby amended by striking out, in line 13, the words ", within 60 days of the receipt of proposals from the qualified developers."

SECTION 65. Said third paragraph of said paragraph (b) of said subsection (3) of said section 19 of said chapter 290 is hereby amended by striking out, in line 15, the words "Within 5 days of the selection of the developer" and inserting in place thereof the words:- Not later than 20 days before the execution of the development agreement.

SECTION 66. Subsection (4) of said section 19 of said chapter 290 is hereby amended by adding the following clause:—

(p) provide for the assurance of labor harmony during all phases of development, including construction, reconstruction and capital and routine maintenance and shall provide adequate remedies to address the developer's failure to maintain labor harmony which shall include, but not be limited to, assessment of liquidated damages and contract termination.

SECTION 67. Clause (i) of subsection (5) of said section 19 of said chapter 290 is hereby amended by inserting after the word "excluding", in line 1, the following words:- site acquisition and other pre-development costs,.

SECTION 68. Said clause (i) of said subsection (5) of said section 19 of said chapter 290 is hereby further amended by striking out, in line 2, the words "$85 million" and inserting in place thereof the following words:— $100 million or such higher amount as the secretary of administration and finance may approve in writing.

SECTION 69. Paragraph (c) of subsection (9) of said section 19 of said chapter 290 is hereby amended by adding the following paragraph:—

The division may dispose of all or part of the existing court facilities in the city of Lowell to the developer in accordance with such terms as the division may determine to include in the request for proposals described in paragraph (b) of subsection 3.

SECTION 70. Said chapter 290 is hereby further amended by adding the following section:—

Section 20. Notwithstanding sections 40E to 40F½, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the division may: (1) transfer the use of, and the responsibility for maintenance of any court facilities vacated as a result of the construction of new facilities referenced in section 2A of this chapter to one or more state agencies; or (2) sell, lease for a term not to exceed 99 years, transfer or otherwise dispose of any such vacated court facilities to any party selected through a competitive process on such terms as the commissioner shall determine.

SECTION 71. Section 4 of chapter 436 of the acts of 2004 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

There shall be a special commission to examine the homeowner insurance market in large share territories, as defined in section 1 of chapter 175C of the General Laws. The commission shall investigate the availability and affordability of property insurance; the relevant rate driving factors including, but not limited to, insurance fraud, types of loss costs and their frequency, the cost and availability of reinsurance; the use of storm damage prediction data; the creation and potential benefit of a state-run catastrophic reinsurance program; and the overall competitiveness of the homeowners market in large share territories. The commission shall make any recommendations for legislative or regulatory action on those matters, with the clerks of the house and senate before November 1, 2006.

SECTION 72. Item 0321-1518 of said section 2 of chapter 45 of the acts of 2005 is hereby amended by striking out the words "; provided, however, that said revenues credited to this account shall only be those revenues in excess of the amounts for the fees collected in fiscal year 2005 as calculated on a monthly basis".

SECTION 73. Item 0321-1520 of said section 2 of said chapter 45 is hereby amended by striking out the words "; provided, that not more than $500,000 of the sum appropriated in this item may be expended for services rendered before fiscal year 2006".

SECTION 74. Item 0330-0410 of said section 2 of said chapter 45 is hereby amended by striking out the words "provided further, that not less than $50,000 shall be expended for Quabbin Mediation in Athol" and inserting in place thereof the following words:— provided further, that not less than $133,000 shall be expended for Quabbin Mediation in Athol.

SECTION 75. Item 0340-0100 of said section 2 of said chapter 45 is hereby amended by striking out the words "provided further, that not less than $150,000 shall be expended for the purpose of a targeted control substance interdiction pilot program to be administered jointly by the district attorney for Suffolk county and the chiefs of police for the city of Revere and the town of Winthrop".

SECTION 76. Item 1410-0010 of said section 2 of said chapter 45 is hereby amended by adding the following words:— provided further, that not less than $80,000 shall be obligated for a contract with the United Veterans of America, Inc. in the city of Pittsfield; provided further, that $18,500 shall be provided for repairs to the Honor Roll Memorial in the town of Southbridge; provided further, that $25,000 shall be expended to the Ware Veterans' Memorial Park in the town of Ware; and provided further, that not less than $112,000 shall be provided for the Korean War Memorial in the city of Worcester.

SECTION 77. Item 1410-0012 of said section 2 of said chapter 45, is hereby amended by striking out the figure "$84,879" and inserting in place thereof the following figure:— $109,879.

SECTION 78. Said item 1410-0012 of said section 2 of said chapter 45 is hereby amended by adding the following words:— provided further, that not less than $82,757 shall be obligated for a contract with the Veterans Northeast Outreach Center in the city of Haverhill;.

SECTION 79. Item 2000-0100 of said section 2 of said chapter 45 is hereby amended by adding the following words:— provided further, that not less than $155,000 shall be expended and not less than $60,325 provided as in-kind services toward the completion of the agreement with the U.S. Army Corps of Engineers of an ongoing environmental investigation of the Blackstone river including special focus on Fisherville pond in Grafton and Rice City pond in Uxbridge; provided further, that $300,000 shall be expended to the town of Barnstable to secure a parcel of land referred to as Freezer Point in Barnstable harbor; provided further, that $150,000 shall be expended to the town of Dennis to enhance the Sesuit creek and watershed ecosystem from Cape Cod bay to Scargo lake; provided further, that $250,000 shall be expended for the dredging of the Aberjona river in the town of Winchester.

SECTION 80. Item 2000-0100 of said section 2 of said chapter 45 is hereby amended by striking out the words "for Salisbury Beach" and inserting in place thereof the following words:- as a grant to the town of Salisbury.

SECTION 81. Item 2030-1000 of said section 2 of said chapter 45 is hereby amended by striking out the words "provided further, that $100,000 shall be expended for the cost of patrols performed by environmental law enforcement officers within properties controlled by the division of state parks and recreation" and inserting in place thereof the following words:— provided further, that $150,000 shall be expended for the cost of patrols performed by environmental law enforcement officers within properties controlled by the division of state parks and recreation.

SECTION 82. Said item 2030-1000 of said section 2 of said chapter 45 is hereby further amended by striking out the words "that the department shall" and inserting in place thereof the following words:— not less than $50,000 shall be expended to.

SECTION 83. Item 2200-0100 of said section 2 of said chapter 45 is hereby amend-

ed by inserting after the words "Lake Webster" the following words:—provided further, that not less than $250,000 shall be expended to the town of Hopedale for a comprehensive study, including a management plan, for the restoration and maintenance of Hopedale Pond along the Mill River;.

SECTION 84. Item 2300-0100 of said section 2 of said chapter 45 is hereby amended by adding the following words:- ; provided further, that $50,000 in matching funds shall be provided to the national marine life center for wetland restoration.

SECTION 85. Item 2310-0200 of said section 2 of said chapter 45 is hereby amended by striking out the words "provided further, that $50,000 in matching funds shall be provided to the National Marine Life Center for wetland restoration".

SECTION 86. Said item 2310-0200 of said section 2 of said chapter 45 is hereby further amended by adding the following words:— provided further, that $50,000 shall be expended for the town of Holland to address invasive weeds and sediment;.

SECTION 87. Said item 2330-0100, of said section 2 of said chapter 45 is hereby amended by striking out the words "and provided further, that funds shall be expended for the School for Marine Science and Technology for research to minimize the economic impact of new fisheries management regulations and shall not be reduced from fiscal year 2005 except in proportion to adjustments consistent with the department's budget adjustment"; and inserting in place thereof the following words:— provided further, that funds shall be expended for the School for Marine Science and Technology for research to minimize the economic impact of new fisheries management regulations and shall not be reduced from fiscal year 2005 except in proportion to adjustments consistent with the department's budget adjustment; and provided further, for the purpose of paying for lab costs and extra personnel wages that were incurred during the recent Red Tide event and to provide for a future Red Tide event.

SECTION 88. Item 2800-0100 of said section 2 of said chapter 45 is hereby amended by striking out the words "provided further, that not less than $100,000 shall be expended within thirty days of receipt of said funds, for the maintenance of the facility and animal upkeep of the mounted unit in the Blue Hills Reservation, which are not subject to said reimbursement to the department;" and inserting in place thereof the following words:- provided further, that not less than $100,000 shall be expended within thirty days of receipt of said funds for the sole purpose of restoring, operating, maintaining and ongoing support of the department of conservation and recreation park rangers mounted unit in the Blue Hills Reservation, existing as of January 1, 2004, which shall be located and operated from the stable and adjacent facilities in the Blue Hills Reservation; provided further, that the Secretary of the Executive Office of Environmental Affairs is hereby directed to request and obtain the return of all animals, equipment, including tack and trailers, and personnel of the departments park rangers mounted unit within their control, custody, and possession as of January 1, 2004; provided further, that not later than December 30, 2006 the department shall file a report with the house and senate committees on ways and means detailing the actual expenditure of funds for the maintenance of the mounted unit in the Blue Hills Reservation;.

SECTION 89. Item 2800-0200 of said section 2 of said chapter 45 is hereby amended by inserting after the words "Forest Park Zoo" the following words:- provided further, that $2,500,000 shall be expended for capital expenses to the Commonwealth Zoological Society; provided further, that $250,000 shall be expended for the Buttonwood Park Zoological Society for a playground for children with disabilities and for other purposes at the Buttonwood Park Zoo in the city of New Bedford.

SECTION 90. Item 4000-0112 of said section 2 of said chapter 45 is hereby amended by inserting after the words "Southwick Recreation Center, Inc." the following words:— ; provided further, that not less than $250,000 shall be expended to fund a historic preservation of the Levi Standish House in order to support a greater YWCA presence in Southeastern Massachusetts; provided further, that $150,000 shall be expended for construction costs at the Abilities Unlimited's Kamp for Kids program in the city of Westfield.

SECTION 91. Item 4000-0600 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; provided further, that in fiscal year 2006, the division of health care finance and policy shall adjust rates for providers of adult day care by no less than $2,000,000 in the aggregate, which shall be over and above any previously authorized rate increase.

SECTION 92. Item 4180-0100 of said section 2 of said chapter 45 is hereby amended by inserting at the end thereof the following:- and provided further, that $25,000 shall be expended for maintenance uses at Malone park of the Chelsea Soldiers' Home.

SECTION 93. Item 4400-1000 of said section 2 of said chapter 45 is hereby amended by adding the following words:- ; provided further, that $100,000 shall be expended for the Horizon Housing Program located in Mattapan; and provided further, that $25,000 shall be expended for the Pettengill House of Salisbury.

SECTION 94. Item 4403-2120 of said section 2 of said chapter 45 is hereby further amended by adding the following words:— ; provided further, that not less than $500,000 shall be expended for Playspace Programs operated by Horizons for Homeless Children in family shelters; and provided further, that not less than $500,000 shall be expended for the First Stop Homelessness Prevention Program.

SECTION 95. Said item 4403-2120 of said section 2 of said chapter 45 is hereby amended by inserting after the words "provided further, that notwithstanding any other general or special law to the contrary, the department shall immediately provide shelter for up to 30 days to families who appear to be eligible for such shelter based on statements provided by the family and any other information in the possession of the department but who need additional time to obtain any third-party verifications reasonably required by the department;" the following words:- provided further, that shelter benefits received under the preceding proviso shall not render a family ineligible under any regulation providing that a family who previously received shelter is ineligible for further shelter benefits for a period of 12 months; provided further, that families receiving such shelter benefits who are found

not to be eligible for continuing shelter benefits shall be eligible for aid pending a timely appeal pursuant to section 16 of chapter 18 of the General Laws;.

SECTION 96. Item 4510-0100 of said section 2 of said chapter 45 is hereby amended by adding the following words:- ; provided further, that $158,000 shall be expended for the Haitian Multi-Service Center; provided further, that $100,000 shall be expended for Massachusetts Cervical Cancer Commission; provided further, that $50,000 shall be expended for youth services at the youth center in Uxbridge; provided further, that $40,000 shall be expended for the Dismas House at the Worcester County House of Correction; and provided further, that $120,000 shall be expended for a study for home and community based services and an economic profile of individuals and families with neurologically and physically disabled adults under 65; and provided further, that said study shall be one-time in nature and shall not result in any annualization in fiscal year 2007.

SECTION 97. Item 4510-0150 of said section 2 of said chapter 45 is hereby amended by adding the following words:- provided further, that $1,500,000 shall be expended to the Massachusetts League of Community Health Centers for the purchase and implementation of electronic medical records; and provided further, that said funds shall be matched with private or federal funds.

SECTION 98. Item 4512-0200 of said section 2 of said chapter 45 is hereby amended by inserting after the words "personnel-related costs" the following words:— provided further, that the commissioner of public health shall ensure that the funding is allocated in a manner that reflects the need among demographic groups; provided further, that the commissioner of public health shall ensure that the funding is allocated for the purpose of a comprehensive, accessible continuum of substance abuse treatment and prevention programs, which shall include, but not be limited to, acute treatment services with options for extended duration beyond 3 to 5 days, post-detox step-down services up to 30 days, including 24-hour services with beds, comprehensive adolescent services including stabilization and structured outpatient addiction programs with shelter and transitional services, residential and ambulatory services for adults and youth, and prevention programs; provided further, that there shall be a particular focus on increasing the capacity to serve individuals without insurance, or, if there are no other payers for needed services, on individuals within the court system or exiting correctional facilities and who are in need of treatment; provided further, that $8,000,000 shall be expended for an increase of $20 in the daily unit rate for currently licensed recovery home beds while maintaining current capacity; provided further, that not less than $2,250,000 shall be expended to provide for one-time startup costs for three sobriety high schools in the following regions of the commonwealth: greater Boston, greater Springfield and the north shore; provided further, that said costs shall include, but not be limited to, personnel costs such as salaries, and operating costs such as the lease of the schools, the renovation of the schools, furniture, books and desks; provided further, that not less than $1,500,000 shall be expended to establish a 25 bed program for crisis stabilization services for 13-18 year olds with the capacity to medically monitor for alcohol and drug use related withdrawal symptoms and co-occurring mental health issues;

provided further, that $1,500,000 be expended for substance abuse and mental health pilot programs in houses of correction in Hampden county, Norfolk county, Middlesex county and Barnstable county; provided further, that one counselor shall be assigned for every two hundred inmates within each facility; provided further, that said pilot programs shall report upon the progress of the program and the rate of recidivism bi-annually to the joint chairpersons of the mental health and substance abuse committee and to the chairpersons of the house and senate committee on ways and means; provided further, that not less than $1,000,000 shall be provided to the Essex county district attorney to develop a pilot program for non-violent offenders in a non-correctional locked down substance abuse treatment facility; provided further, that said offenders agree to enter said treatment facility and complete treatment and pay restitution for any crimes committed on the condition that their arraignment be held in abeyance; provided further, that other district attorneys may utilize said program upon mutual agreement of all parties; provided further, that not less than $750,000 shall be expended for CasaStart, a comprehensive program designed to target youth and families at risk for crime and drug involvement; provided further, that not less than $400,000 shall be expended to fund 10 beds through the CAB program in conjunction with the H.E.A.T. program at the Woburn District Court; provided further, that not more than $150,000 shall be expended for the Hampden county sheriff to design and operate an innovative residential program for recently released female offenders in the Springfield area; provided further, that not less than $149,990 shall be expended for Casa Esperanza; and provided further that $100,000 shall be expended for the prevention of substance abuse in the town of Saugus.

SECTION 99. Item 4512-0500 of said section 2 of said chapter 45 is hereby amended by adding the following words:— provided further, that $750,000 shall be expended for the Forsyth Institute's Center for Children's Oral Health to fund a school-based demonstration project to offer preventive oral health care to children in high need areas including Boston, Lynn and Hyannis; and provided further, that not less than $100,000 be expended for the Caring Health Center in the city of Springfield for costs associated with providing dental care to the underprivileged in that city and greater Springfield.

SECTION 100. Item 4800-0038 of said section 2 of said chapter 45 is hereby amended by adding the following words:— provided further, that not less than $225,000 shall be expended for the Just-A-Start Teen Living Program and Young Parent's Education Program; and provided further, that not less than $187,000 shall be expended for the establishment and operation of a Bristol county child advocacy center to be administered by the advisory board of the Bristol county child advocacy center.

SECTION 101. Item 5047-0001 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; and provided further, that not less than $253,716 shall be expended for emergency mental health services on Martha's Vineyard and Nantucket.

SECTION 102. Item 5920-2000 of said section 2 of chapter 45 is hereby amended

by adding the following words:— ; provided further, that not less than $85,000 shall be provided to Greater Marlboro Programs Inc.

SECTION 103. Item 6010-0001 of said section 2 of said chapter 45 is hereby amended by adding the following words:- ; and provided further, that $100,000 shall be expended for the SCM Community Transportation organization.

SECTION 104. Item 7003-0702 of said section 2 of said chapter 45 is hereby amended by adding the following words:- ; and provided further, that $1,250,000 shall be expended for the 1:1 Wireless Initiative at the New Boston Pilot Middle School; provided further, that not less than $200,000 shall be expended for a pilot program to provide employment training and job placement by the Center for Adaptive Learning and Programs; provided further, that $250,000 shall be expended for the Metro West/495 Corridor Partnership, as successor to the I-495 Technology Initiative; provided further, that the contribution of said funds shall be matched by contributions from private entities equal to 1 times the expenditures from this item; and provided further, that $39,999 shall be expended for Self Esteem Boston for the Skills For Success Facilitator Qualification and Group Leader Training Programs to upgrade the skills of group leaders who conduct groups for at-risk populations in the greater Boston area; provided further, that not less than $150,000 shall be expended for Barn-Raising.org in the town of Wayland.

SECTION 105. Item 7004-0099 of said section 2 of said chapter 45 is hereby amended by striking out the words "provided further, that $100,000 shall be expended for the design phase of the Pembroke Council of Aging" and inserting in place thereof the following words:— provided further, that $100,000 shall be expended for the design, construction and renovations of the Pembroke Council of Aging.

SECTION 106. Said item 7004-0099 of said section 2 of said chapter 45 is hereby amended by adding the following words:- ; provided further, that $100,000 shall be expended for the Partners for Community Corporation; provided further, that $100,000 shall be expended for the Puerto Rican Cultural Center in Springfield; provided further, that $85,000 shall be expended for the operation and management of the Homeowner Options for Massachusetts Elders program; and provided further, that not less than $100,000 shall be provided to Housing Families, Inc. of Malden for providing educational support programming for homeless children through the Children and Family Program.

SECTION 107. Item 7004-9024 of said section 2 of said chapter 45 is hereby amended by striking out the words "; provided further, that the costs of administration shall not exceed 6 per cent of the appropriation provided in this item; provided further, that the 6 per cent shall include, but not be limited to, all expenditures which may be made by the department to conduct or otherwise contract for rental voucher program inspections.

SECTION 108. Said item 7004-9024 of said section 2 of said chapter 45 is hereby further amended by striking out the words "; provided further, that ceiling rents shall not be enforced by the department".

NO SECTION 109.

SECTION 110. Item 7007-0900 of said section 2 of said chapter 45 is hereby amended by striking out the words "provided further, that not less than $200,000 shall be expended for a grant for From the Top, Inc." and inserting in place thereof the following words:— "provided further, that not less than $300,000 shall be expended for a grant for From the Top, Inc.; provided further, that not less than $50,000 shall be transferred to the Barre Historical Society for the restoration of a stagecoach; provided further, that not less than $50,000 be provided to the town of Sutton for the study and design of the Manchaug Village tourism streetscape plan; provided further, that not less than $150,000 shall be expended for the Highland Center for the Arts at the Cape Cod National Seashore; provided further, that not less than $40,000 shall be expended to the St. Peter's Fiesta Committee for the purchase of Seine Boat replicas; provided that the committee shall match this amount from private funds; provided further, that not less than $100,000 shall be expended for improvements to the Granby town hall; provided further, that $20,000 shall be transferred to the town of Monson for the beautification of the downtown area; provided further, that $250,000 shall be expended to the Merrimack Valley Economic Development Council; provided further, that not less than $75,000 shall be expended for the Worcester County Convention and Visitor's Bureau located in the city of Worcester.

SECTION 111. Said item 7007-0900 in said section 2 of said chapter 45 is hereby further amended by striking out the words "provided further, that not less than $100,000 shall be expended for the Metro West/495 Corridor Partnership, as successor to the I-495 Technology Initiative".

SECTION 112. Item 7007-1200 of said section 2 of said chapter 45 of the Acts of 2005 is hereby amended by inserting after the word "Initiative" in line 21 the following:- and provided further that $150,000 shall be provided to the North Central Chamber of Commerce to develop the Mass Plastics Medical Device Connection Initiative.

SECTION 113. Section 2 of Chapter 45 of the acts of 2005 is hereby amended by inserting after item 7035-0002 the following item:

7035-0004 For a grant to the Greater Lawrence Community Action Council, Inc's Spanish Community Services Program $66,000

SECTION 114. Item 7061-9404 of said section 2 of said chapter 45 is hereby amended by inserting after the words "Barnstable, and Springfield;" the following words:— provided further, that $52,858 shall be expended for the Dennison Memorial Community Center in the city of New Bedford.

SECTION 115. Item 7100-0200 of said section 2 of said chapter 45 is hereby amended by striking out the words, "and provided further, that not less than $350,000 shall be expended for the William Trotter Institute at the University of Massachusetts at Boston," and by inserting in place thereof the following words:— ; provided further, that not less than $350,000 shall be expended for the William Trotter Institute at the University of Massachusetts at Boston; and provided further, that $399,316 shall be expended for the one-time cost to renovate and reopen the Worcester regional office of the chief medical examiner

at the University of Massachusetts Medical Center in the city of Worcester.

SECTION 116. Item 8000-0000 of said section 2 of said chapter 45 is hereby amended by adding the following words:- provided further, that not less than $150,000 shall be expended for the purpose of a targeted control substance interdiction pilot program to be administered jointly by the district attorney for Suffolk county and the chiefs of police for the city of Revere and the town of Winthrop; provided further, that not less than $130,000 shall be expended for the Salem Harbormaster in the City of Salem for the purpose of purchasing an additional patrol boat; provided further, that $150,000 shall be expended to fund a study to consider the siting of a new state police crime lab in the city of Worcester; and provided further, that $439,000 shall be expended as a grant to the Massachusetts sheriffs association for the implementation of an iris identification program in each sheriff's office to assist in locating missing persons.

SECTION 117. Item 8000-0010 of said section 2 of said chapter 45 is hereby amended in line 45 by inserting after the word "Sandwich" the following:- provided further, that not less than $40,000 shall be expended for police protection at Five Corners intersection during the Summer of 2006 by the Town of Tisbury;.

SECTION 118. Item 8324-0000 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; and provided further, that $50,000 shall be provided to the town of North Brookfield for the construction of a regional firefighter training facility; provided that not less than $25,000 shall be transferred to the town of Millbury for a feasibility study of a multi-use public safety structure; provided, that no assessment shall be made for these items.

SECTION 119. Item 8400-0001 of said section 2 of said chapter 45 is hereby amended by striking out the words "may operate a full service office in the town of Milford to be operated 5 days a week;" and inserting in place thereof the following words:- shall operate a full service office in the town of Milford to be operated 5 days a week; provided further, that $400,000 shall be expended for a study and evaluation of the automated license and registration system;.

SECTION 120. Item 8700-0001 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; and provided further, that $460,802 shall be expended for reimbursements to the city of Malden for the costs associated with soil contamination found throughout property once owned and conveyed by the commonwealth to the city of Malden.

SECTION 121. Item 8900-0001 of said section 2 of said chapter 45 is hereby amended by adding the following words:- ; and provided further, that $875,000 shall be expended for an emergency safety equipment grant to the town of Bridgewater.

SECTION 122. Item 9700-0100 of said section 2 of said chapter 45 is hereby amended by striking out the words "December 15, 2005" and inserting in place thereof the following words:— February 15, 2007.

SECTION 123. Said item 9700-0100 of said section 2 of said chapter 45 is hereby further amended by striking out the words "February 1, 2006" and inserting in place thereof the following words:— April 1, 2007.

SECTION 124. Said item 9700-0100 of said section 2 of said chapter 45 is hereby further amended by adding the following words:— ; and provided further, that for the purpose of the programs appropriated funds may be expended through April 1, 2007.

SECTION 125. Section 36 of said chapter 45 is hereby amended by striking out the words "3 members" each time they appear, and inserting in place thereof the following words:— 4 members.

SECTION 126. Section 37 of chapter 45 of the acts of 2005 is hereby amended by adding the following sentence:- Said commission shall also require that electronic roll call machines in the house of representatives be shown during live cable television coverage of any legislative session and provide recommendations to the house and senate committees on ways and means on the cost of such a requirement.

SECTION 127. Item 7004-0022 of section 2 of chapter 53 of the acts of 2005 is hereby amended by striking out the words "section 4" and inserting in place thereof the following word:- section 7.

SECTION 128. Subsection (b) of section 16 of chapter 106 of the acts of 2005 is hereby amended by striking out the word "June 30, 2006" and inserting in place thereof the following word:- June 30, 2007.

SECTION 129. Notwithstanding section 15E of chapter 15A of the General Laws, the procedures established by the boards of trustees of public higher education to administer the public higher education endowment incentive and capital outlay contribution program established by said section 15E shall be adopted on or before August 17, 2006.

SECTION 130. Notwithstanding any general or special law or regulation to the contrary, the state comptroller shall grant a permanent waiver or exemption from any and all applicable charges or assessments made against the Water Supply Protection Trust by the office of the comptroller pursuant to its authority under sections 5D and 6B of chapter 29 of the General Laws. Any charges or assessments made against the Water Supply Protection Trust pursuant to the aforementioned sections shall be refunded to the Trust forthwith.

SECTION 131. Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer $135,991,000 from the Commonwealth Stabilization Fund, established pursuant to section 2H of chapter 29 of the General Laws, to the General Fund.

SECTION 132. Not later than 10 days after the effective date of this act, the comptroller shall transfer $120,000,000 from the Commonwealth Stabilization Fund, established pursuant to section 2H of chapter 29 of the General Laws, to the Transitional Escrow Fund, established in section 16 of chapter 106 of the acts of 2005.

SECTION 133. Notwithstanding any general or special law to the contrary, not less

than 10 days after the transfer authorized in section 132, the comptroller shall transfer the balance of Transitional Escrow Fund, established by section 16 of chapter 106 of the acts of 2005, to the General Fund.

SECTION 134. The comptroller shall, in consultation with the office of the state treasurer, the executive office for administration and finance, and the executive office of health and human services, develop a schedule and make a series of transfers not to exceed $346,000,000 from the General Fund to the MassHealth provider payment account in the Medical Assistance Trust Fund.

SECTION 135. Notwithstanding any general or special law to the contrary, the temporary tax amnesty program authorized by section 73 of chapter 4, of the acts of 2003 and section 113 of chapter 46, of the acts of 2003, which the town of Salisbury adopted by vote of town meeting on October 27, 2003 is hereby extended for the town of Salisbury until June 30, 2007.

SECTION 136. (a) The state treasurer may, upon request of the governor, issue and sell refunding bonds of the commonwealth in an amount to be specified by the governor from time to time for the purpose of paying, at maturity or upon acceleration or redemption, any bonds then outstanding and issued by an entity other than the commonwealth pursuant to section 39I of chapter 190 of the acts of 1982, section 7 of chapter 16 of the acts of 1999 or section 6 of chapter 53 of the acts of 1999, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of maturity, acceleration or redemption of such bonds. The state treasurer shall not issue any such refunding bonds unless he finds that the present value, discounted at such rate as he considers appropriate, of the principal and interest payments due on the refunding bonds is less than the present value, discounted at such rate, of the principal and interest payments to be paid, from the proceeds of such refunding bonds and investment earnings thereon, on the bonds to be refunded. These refunding bonds may be issued at such time before the maturity, acceleration or redemption of the bonds to be refunded thereby as the state treasurer, with the approval of the governor, considers advisable. The issuance of these bonds, the security therefor, the maturities and other details thereof, the rights of the holders thereof and the rights, duties and obligations of the commonwealth with respect thereto shall be governed by the provisions of chapter 29 of the General Laws which relate to the issuance of bonds by the commonwealth, insofar as such provisions may be appropriate therefor. In connection with any issuance of refunding bonds pursuant to this section, the secretary of administration and finance and the other party or parties to the contract for financial assistance related to the bonds being refunded and the state treasurer may enter into amendments to the contract and any other documents that they consider necessary or desirable to effectuate the issuance of the bonds. Without limiting the generality of the foregoing, the provisions of section 49 of chapter 29 of the General Laws applicable to sinking funds established with trustees shall apply to the deposit of refunding bond proceeds with a trustee, except that such proceeds shall be held for the benefit of the holders of the bonds to be refunded thereby.

(b) Bonds and the interest thereon issued under this section shall be general obligations of the commonwealth and all bonds issued by the commonwealth under this section shall be designated on their face General Obligation Contract Assistance Refunding Bonds, and shall be issued for such maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution. The debt service on these refunding bonds shall be charged to the various budgeted funds of the commonwealth in proportion to the principal amounts being refunded.

(c) The state treasurer shall file a report with the house and senate committees on ways and means no later than 30 days after the sale of any refunding bonds issued pursuant to this section. This report shall include written documentation of compliance with this section, including, but not limited to, the issue or issues to be refunded, the projected dollar savings and the projected present value savings.

SECTION 137. Notwithstanding any general or special law to the contrary, the fire department of the Massachusetts Port Authority shall be considered a fire department and the fire chief of the Massachusetts Port Authority shall be considered the head of the fire department, for the purposes of receiving any delegation of powers or authority from the state fire marshal that the state fire marshal may be authorized to delegate to a head of the fire department of a fire department of a city or town.

SECTION 138. Notwithstanding any general or special law to the contrary, the Massachusetts Port Authority shall have primary and exclusive jurisdiction and responsibility for fire prevention and fire fighting services on its projects, as defined in chapter 465 of the acts of 1956. Primary firefighting services on said projects excluding Boston Logan International Airport and Hanscom Field shall be the responsibility of the local municipality. Said Authority may delegate such jurisdiction or responsibility for any project or portion of a project to the fire department of the city or town in which the project is sited, as the Authority may from time to time deem appropriate and proper.

SECTION 139. Notwithstanding any general or special law to the contrary, the commissioner of the division of capital asset management and maintenance may sell and convey to the city of Lowell, for park and open space purposes a parcel of state-owned land together with all structures located on it, located in the city of Lowell, subject to the requirements of this section. This parcel, together with all structures located on it, containing 4.931 acres, more or less, is shown as Parcel 3, referred to as the "public parcel", on that certain plan entitled "Approval Not Required ('ANR') Plan, Lawrence Mills Redevelopment, Lowell, Massachusetts", Scale 1"=40', prepared by Harry R. Feldman, Inc., dated August 14, 2003 [Parcels 1, 3 and 5 revised January 28, 2004, Parcels 3 & 4 revised and Parcel 7 added August 26, 2004, and Parcels 3, 4 & 7 revised March 31, 2005] and recorded with the Middlesex (North) registry of deeds in plan book 218 at pages 56 and 57, referred to in this section as the "park parcel". The park parcel may also be used for vehicular and pedestrian access and for the installation of utilities within the areas designated as PAU-1, PAU-3D and

CRM-8, as shown on that plan, collectively designated the "roadways". As consideration for this conveyance, the city of Lowell shall be responsible for the care and maintenance of the park parcel, including the care and maintenance of the roadways, and shall be responsible for the costs of any surveys (including, without limitation, the costs of preparing a recordable plan and the costs of recording that plan with the appropriate registry of deeds) and other expenses relating to the transfer of the park parcel considered necessary by the commissioner for the conveyance of the park parcel to the grantee. In the event that the park parcel or any portion of it (other than the roadways) ceases to be used for park and open space purposes, title to the park parcel shall revert to the commonwealth upon the recording of notice of the reversion in the appropriate registry of deeds. The city of Lowell may establish a park maintenance fund for the care and maintenance of the park parcel and to collect from owners of properties adjacent to the park parcel funds that the owners may have contracted with the commonwealth to provide for the park parcel.

SECTION 140. Notwithstanding any general or special law to the contrary, the commissioner of the division of capital asset management and maintenance may grant to the owner of the parcel shown as Parcel 1 on that certain plan entitled "Approval Not Required ('ANR') Plan, Lawrence Mills Redevelopment, Lowell, Massachusetts", Scale 1"=40', prepared by Harry R. Feldman, Inc., dated August 14, 2003 [Parcels 1, 3 and 5 Revised January 28, 2004, Parcels 3 & 4 revised and Parcel 7 added August 26, 2004, and Parcels 3, 4 & 7 Revised March 31, 2005] and recorded with the Middlesex (North) registry of deeds in plan book 218 at pages 56 and 57, referred to in this section as the "Plan", or to the successors and assigns of that owner, an easement over a portion of the parcel shown as Parcel 3 on the plan, this easement to be for the operation, maintenance, use, repair, and replacement of a sewer lift station for the benefit of the buildings located on said Parcel 1. The exact boundaries of the easement area are to be determined by the commissioner based upon a survey. As consideration for this grant of easement, the grantee shall be responsible for the costs of any surveys (including, without limitation, the costs of preparing a recordable plan and the costs of recording that plan with the appropriate registry of deeds) and other expenses relating to the grant of the easement considered necessary by the commissioner for the grant of the easement. The owner of Parcel 1 and its successors and assigns from time to time shall be responsible for the operation, maintenance, use, repair, and replacement of the sewer lift station.

SECTION 141. Notwithstanding any general or special law to the contrary, the chief justice for administration and management shall report to the house and senate committees on ways and means not later than November 31, 2006 on the cost of reestablishing the trial court child care program.

SECTION 142. Notwithstanding any general or special law to the contrary, the secretary of administration and finance shall report to the house and senate committees on ways and means no later than November 15, 2006 on the extent of the damages to public property throughout the commonwealth as the result of severe flooding since the beginning of fiscal year 2006.

SECTION 143. (a) Notwithstanding any general or special law to the contrary, the commissioner of the department of workforce development shall enter into a contract for not less than $934,000 with the Massachusetts Council of Human Service Providers, Inc. to continue development of an industry-guided, Internet-based workforce development program for approximately 31,000 low-paid, economically disadvantaged direct care workers who deliver direct care services through community-based organizations pursuant to purchase of service contracts with the executive office of health and human services or agencies within that executive office. The contract shall provide for quarterly reports to the department detailing the number of direct care workers served, the type and duration of training provided, data on the turnover of vacancy rates of contract providers and such other information as the department may require.

(b) These funds shall: (1) provide essential training and credentialing for the direct care workforce in the human service, contract provider industry funded through EOHHS; (2) improve recruitment and retention of a well trained direct care workforce which currently has turnover and vacancy rates as high as 40 per cent; (3) improve the quality of services provided to clients referred by the commonwealth, and (4) develop occupational skills and expand the career potential for workers in Massachusetts including older workers. The council may expend these funds to hire a program director as well as consultants with expertise in the field of human services training to develop a curriculum and to administer the program using an e-learning, or web or internet based environment . . . . . $934,000.

SECTION 144. Notwithstanding any general or special law to the contrary, the state comptroller shall grant a permanent waiver or exemption from any and all applicable charges or assessments made against the Natural Heritage and Endangered Species Fund by the office of the comptroller pursuant to its authority under chapter 29 of the General Laws; provided, however, that no waiver or exemption shall be granted without the written approval of the secretary of administration and finance.

SECTION 145. Sections 3, 4, 5, 7, 10, 11 and 12 shall take effect as of July 1, 2005.

SECTION 146. Section 17 and sections 39 to 49, inclusive, shall take effect as of January 1, 2006.

This bill was returned on June 24, 2006, by the Governor to the House of Representatives, the branch in which said bill was originated, with His objections in writing to the following items therein:

Items Disapproved:

SECTION 2: 0330-0410 2000-0100 2200-0100 2310-0200 4000-0112 7003-0702 7004-0099 7007-0900 7007-1000 7061-9404 8700-0001 8900-0001

SECTION 2A:0330-0318 1100-1560 1599-1110 1599-7800 1599-7900 2511-2000 4000-0265 7035-0123 7100-0400 7100-0550 7509-1000 7515-0122

SECTION 2E: 7116-0102 7509-0102 8000-0051

SECTIONS 14, 16, 17, 18, 37, 39, 40, 43, 45, 46, 47, 48, 49, 74, 79, 82, 83, 86, 88, 90, 104, 106, 110, 111, 113, 114, 120, 121, 128, 131, 132, 141, 143, 145 and 146

SECTION 2 *Items reduced in amount*

Item	Reduce by	Reduce to
2030-1000	347,000	50,000
2330-0100	60,000	280,000
2800-0200	2,500,000	250,000
4512-0200	8,249,990	11,850,010
8000-0000	280,000	589,000

SECTION 2E *Items reduced in amount and by striking the wording*

Item	Reduce by	Reduce to	*Wording Stricken*
2800-0108	3,420,000	7,530,000	"; provided, that $50,000 shall be expended for Apponagansett bay in the town of Dartmouth" and "; provided further, that $300,000 shall be expended for improvements to Ambrose park in the city of Revere" and "; provided further, that $350,000 shall be expended for the Kernwood marina in the city of Salem; provided further, that $50,000 shall be expended for a feasibility study to extend the Ashuwillticook bike trail from its ending point at the Pittsfield-Lanesborough line for an additional 2 miles into the city of Pittsfield" and "; provided further, that $100,000 shall be expended for the restoration of Merrymount park in the city of Quincy" and "; provided further, that $300,000 shall be expended for improvements to Frederick's park in the city of Revere" and

"; provided further, that $20,000 shall be expended for improvements to Warren Manning park in the town of Billerica"

and

"; provided further, that $100,000 shall be expended for improvements to the Vietnam Veterans park in the town of Billerica; provided further, that $40,000 shall be expended to rehabilitate Havey beach reservation in West Roxbury; provided further, that not less than $85,000 shall be expended for reconstruction of a boat launching ramp at Magansett harbor in North Falmouth"

and

"; provided further that $250,000 be expended for the athletic fields in the town of Saugus, including a track located on Dow street in the town of Saugus; provided further, that $25,000 shall be expended for the Indian Lake Watershed Association"

and

"; provided further, that $100,000 shall be expended for improvements to the William A. Meaney playground in Dorchester"

and

"; provided further, that $30,000 shall be expended for improvements to Tercentennial park in the town of Framingham"

and

"; provided further, that $800,000 shall be expended to the town of Holliston towards acquisition and other improvement costs in connection with the rail trail from the town of Sherborn through a portion of the town of Holliston"

and

			"; provided further, that $250,000 be expended to enhance the park land and construct the boat ramp at the land on Route 110 Methuen as the "Beas site"; provided further, that $90,000 shall be expended for park renovations in Stone park in the town of Ashland"
			and
			"; provided further, that $100,000 shall be expended for the maintenance programs and supplies for Squantum Point park"
			and
			"; provided, that $150,000 shall be expended for costs associated with the design and construction of the Charles river skatepark in the city of Cambridge; provided further, that not less than $30,000 shall be expended for the operation of Berkshire Grown, the buy local campaign of Berkshire county; and provided further, that not less than $200,000 shall be expended as a 3-to-1 matching grant for phase II or Parker's river marine and community park in the town of Yarmouth"
6005-0030	250,000	13,223,334	"; provided further, that not less than $50,000 shall be expended to the town of Bellingham for restoration and preservation of historic buildings;"
			and
			"; provided further, that $50,000 shall be expended to the town of Littleton for right of way acquisitions on 2 parcels located at 62-64 King street in the town of Littleton as part of the Route 2A/Route 110 Traffic Improvements, Littleton High School Turn Lane project as shown on a plan prepared for the Massachusetts highway department by the Berkshire Design Group, Inc. dated May 10, 2004"
			and

			"; provided further, that not less than $150,000 shall be expended for a study on improvements to the Crescent street parking garage in the city of Waltham"
7004-0097	14,028,000	16,333,447	"; provided further, that not less than $150,000 shall be expended for improvements to the Stevens library in North Andover" and "; provided further, that $50,000 shall be expended to the Salisbury historical society to complete a historic building restoration and create a town history museum and visitors center at Parson's corner in Salisbury" and "; provided further, that $500,000 shall be expended for the Mohawk theatre, subject to a 100 per cent funding match" and "; provided further, that $40,000 shall be expended to the Woburn redevelopment authority for improvements to an elevator to meet the standards of the Americans with Disabilities Act" and "; provided further, that $100,000 shall be expended for the renovation of the Bing theatre in Springfield; provided further, that $125,000 shall be expended for the renovation of municipal infrastructure in the town of Webster; provided further, that $68,000 shall be expended for the North Adams airport; provided further, that $200,000 shall be expended for revitalization of the Weymouth landing area in the town of Weymouth; provided further, that $50,000 shall be expended for an economic development project in the city of New Bedford at the Elco dress factory"

and

"; provided further, that $400,000 shall be expended for costs associated with the Tewksbury center expansion project on Chandler street in the town of Tewksbury; provided further, that $50,000 shall be expended for the destruction of old army bunkers located on the division of fisheries and wildlife land in the town of Hingham; provided further, that $250,000 shall be expended for new seating in the historic Chevalier auditorium in Medford; provided further, that $200,000 shall be expended to assist the town of Burlington for the renovation and expansion of the Grand View farm; provided further, that $50,000 shall be expended for the Cambridge housing authority work force program; provided further, that $50,000 shall be expended for the destruction of old army bunkers located on Massachusetts highway department land in the town of Hingham"

and

."; provided further, that $75,000 shall be provided to World is Our Classroom, Inc. serving the towns of Holyoke, Westfield, Chicopee and Greenfield; provided further, that $250,000 shall be expended for the improvement of recreational sites in the town of West Bridgewater"

and

"; provided further, that $1,430,000 shall be expended for renovations and upgrades for Winthrop recreational areas; provided further, that $40,000 shall be expended to assist the city of Newton with a smart growth development plan for Newton center; provided further, that $1,000,000 shall be expended for pollution prevention at the tri-town landfill in Heath"

and

"; provided further, that $100,000 shall be expended for an economic development project in the town of Braintree"

and

"; provided further, that $175,000 shall be expended for the Greenwood memorial bathhouse"

and

"; provided further, that $75,000 shall be expended to the Hyannis Athletic Association for field improvements to McKeon field in Hyannis; provided further that $75,000 shall be expended to the town of Barnstable J.F.K. statue committee as a one-time matching grant to erect a statue honoring the late President John F. Kennedy at the J.F.K. museum located in the village of Hyannis"

and

"; provided further, that not less than $250,000 be expended for a joint housing rehabilitation project in the city of Gardner and the town of Templeton; provided further, that $100,000 shall be provided to Lilly library in the Florence section of the city of Northampton for historic preservation, reconstruction, window installation and brick re-pointing and cleaning, the funds to supplement any funds provided by the board of library commissioners; provided further, that $75,000 shall be expended for repair and renovation of the Danforth building in the town of Framingham"

and

"; provided further, that $5,000,000 shall be expended for the reconstruction of the Manning bowl in the city of Lynn; provided further, that not less than $250,000 shall be expended for a community action grant associated with improve-

ments to the site of the 1999 Worcester cold storage warehouse fire in the city of Worcester; provided further, that $40,000 shall be expended for the maintenance and upkeep of Plympton town hall; provided further, that not less than $100,000 shall be expended for the Worcester county convention and visitor's bureau located in the city of Worcester; provided further, that $175,000 shall be expended to the Worcester Educational Development Foundation; provided further, that not less than $1,000,000 shall be expended for the renovation of the Haverhill stadium and that not less than $200,000 shall be expended for the renovation of the Cawley stadium in Lowell"

and

"; provided further, that $400,000 shall be expended for the construction of the Springfield public market; provided further, that no less than $200,000 shall be provided for brownfield redevelopment projects in the city of Lynn; provided further, that $200,000 shall be expended for the Central Square theater project in the city of Lynn"

and

"; provided further, that $100,000 shall be expended for the revitalization of downtown Hingham; provided further that not less than $100,000 be allocated for the repairs and renovation of the Charles river landing at Watertown square; provided further, that $100,000 shall be expended for the design and construction of a permanent bandstand or gazebo on the ground of Sunset lake in the town of Braintree"

and

"; provided further, that not less than $50,000 shall be expended for a grant to the town of Wakefield for the purposes of conducting a study to alleviate the parking and public safety problems at the northeast metropolitan regional vocational school, Wakefield high school and the Woodville school"

and

"; provided further, that $60,000 shall be expended for upgrades and improvements at the Abington memorial stadium in Abington"

and

"; provided further, that not less than $100,000 shall be expended to the town of Randolph for capital improvements to the Joseph J. Zapustas arena "

and

"; and provided further, that $25,000 shall be expended for the Braintree councils on aging for structural improvements to meet the standards for the Americans with Disabilities Act"

Pursuant to Article 56 as amended by Article 90, Section 3, of the Amendments to the Constitution, the Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments to Sections 41, 42, 44, 89, 98, 116, 133, and 134.

The remainder of the bill was approved by the Governor on June 24, 2006 at eight o'clock and fifteen minutes, A.M.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 24, 2006 the House of Representatives and on July 24, 2006 the Senate passed the following Items:
SECTION 2A. Items: 1599-1110, 1599-7800 and 1599-7900

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 24, 2006 the House of Representatives and on July 25, 2006 the Senate passed the following Item:
SECTION 104.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 25, 2006 the House of Representatives and on July 26, 2006 the Senate passed the following Items:
SECTIONS 16 and 121.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 25, 2006 the House of Representatives and on July 25, 2006 the Senate passed the following Item:
SECTION 145.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 25, 2006 the House of Representatives and on July 27, 2006 the Senate passed the following Item:
SECTION 18.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 26, 2006 the House of Representatives and on July 27, 2006 the Senate passed the following Items:
SECTION 2E. Item 7116-0102. **SECTION 143.**

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 27, 2006 the House of Representatives and on July 31, 2006 the Senate passed the following Items:
SECTION 2. Items: 0330-0410, 4512-0200, 7003-0702, 7004-0099, 7007-0900, 7007-1000, 8000-0000 and 8900-0001; **SECTION 2A.** Items: 0330-0318, 1100-1560, 4000-0265, 7100-0400, 7509-1000 and 7515-0122; **SECTION 2E.** Item: 7509-0102 and **SECTIONS 88, 106, 110, 111, 113, and 14.**

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 31, 2006 the House of Representatives and on July 31, 2006 the Senate passed the following Items:
SECTION 2. Items: 2000-0100, 2030-1000, 2200-0100, 2310-0200, 2330-0100, 2800-0200, 4000-0112, 7061-9404 and 8700-0001; **SECTION 2A.** Items: 2511-2000, 7035-0123 and 7100-0550; **SECTION 2E.** Items: 2800-0108, 6005-0030 and 8000-0051; and **SECTIONS 74, 79, 82, 83, 86, 90, 114 and 120.**

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 27, 2006 the House of Representatives and on July 31, 2006 the Senate passed the following Item:
SECTION 2E. Item: 7004-0097

Chapter 123. AN ACT RELATIVE TO ECONOMIC INVESTMENTS IN THE COMMONWEALTH TO PROMOTE JOB CREATION, ECONOMIC STABILITY, AND COMPETITIVENESS IN THE MASSACHUSETTS ECONOMY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide for economic investments in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2006 for the purpose of funding one-time costs for certain capital spending, public investment, and bonded debt of the commonwealth, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those other appropriation acts, for the several purposes and subject to the conditions specified in this act or in those other appropriation acts and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2006; provided, that notwithstanding any general or special law to the contrary, appropriations made herein shall not revert and shall be available for expenditure until June 30, 2007. The sums in said section 2 shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Office on Disabilities and Community Services.

4120-2000 ..... $500,000

EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT.

Department of Workforce Development.

7002-0100 ..... $500,000
7003-0702 ..... $500,000

Department of Housing and Community Development.

7004-0099 ..... $75,000

Department of Business and Technology.

7007-0900 ..... $6,290,000

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain

requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise, for the several purposes and subject to the conditions specified in this section, and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2006; provided, that notwithstanding any general or special law to the contrary, appropriations made herein shall not revert and shall be available for expenditure until June 30, 2007. The sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Reserves.

1599-1950 To provide for transportation improvements, to include road, pedestrian and infrastructure projects; provided, that $2,500,000 shall be expended for the construction of a Back Bay Connector in the Allston Landing area in the city of Boston; and provided further, that $17,000,000 shall be expended for interchanges on state highway route 24 for access to the Fall River and the Freetown Industrial Parks $19,500,000

1599-7106 For a reserve for facility improvements, or for design and construction of new facilities to promote nano-manufacturing and bio-manufacturing; provided, that these funds monies shall be used for infrastructure, equipment and operating costs related thereto; provided further, that not less than $21,000,000 shall be committed to the University of Massachusetts at Lowell for the purposes of constructing a nano-manufacturing and bio-manufacturing facility; provided further, that funds appropriated in this item may be transferred to the University of Massachusetts Building Authority for these facility improvements and design and construction; provided further that of the funds appropriated herein, those funds used for any facility owned by the corporation established pursuant to section 107 of this act may be paid in the form of lease payments for a term of up to 50 years; provided further, that the University of Massachusetts Building Authority shall submit to the clerks of the house and senate and the secretary of administration and finance a report which includes the following: (1) a copy of any service agreements between the University of Massachusetts and the corporation authorized in said section 60, which shall include provisions addressing the respective intellectual and other property rights and interests of the parties, the disbursement

and assignment of profits, royalties and other benefits, and any ethical rules and disclosure requirements of the public and private employees; (2) a detailed list of all private donors and amounts donated for each facility; (3) a plan for design, construction, operation and maintenance of each facility and all associated costs and revenues of each facility, including the projected timelines for the completion of all phases of the project; and (4) a description of proposed title to any and all assets associated with each facility; provided further, that notwithstanding any general or special law to the contrary in the construction and financing of any nano-manufacturing or bio-processing facilities pursuant to this item, the University of Massachusetts Building Authority may use an alternative mode of procurement of design and construction, including but not limited to, sequential construction management, turnkey, design/build procurement and the phasing of such procurement, including, but not limited to, approval of design and construction stages as separate for combined phases; provided further, that the University of Massachusetts Building Authority shall require the assurance of labor harmony during all phases of development, including construction, reconstruction and capital and routine maintenance and shall provide adequate remedies to address the failure to maintain labor harmony which shall include, but not be limited to, assessment of liquidated damages and contract termination; and provided further, that the payment of prevailing wages, in accordance with sections 26 to 27F, inclusive, of chapter 149 of the General Laws, shall be required for all phases of these projects $21,000,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2330-0101 For the purpose of designing a comprehensive vessel buyback program, to be used as the basis for federal funding and implementation of the program $75,000

EXECUTIVE OFFICE OF TRANSPORTATION.

6033-0430 For the executive office of transportation for the construction, development, modernization, rehabilitation, upgrade and im-

provement of certain public transportation-related infrastructure as described in this item in and around the city of Boston, including the Longwood Medical Area, Kenmore Square, Medical Academic and Scientific Community Organization (MASCO) affiliated members, the Fenway, Fenway Park, and the campus of Boston University, to develop, facilitate, and promote continued economic development for the commonwealth, including job growth, economic advancement, increased research, innovation, product development, academic research, enrollment growth, investment, construction of commercial and residential facilities, and other increased economic activity of the businesses, hospitals, health care and related institutions or facilities, schools, colleges and universities, entertainment venues, shops, restaurants, service providers, museums and cultural institutions serving as an economic gateway to the city of Boston, thereby generating new and increased economic activity for life sciences, biotechnology, pharmaceuticals, health care and related activities, educational and other non-profit institutions, entertainment enterprises and other businesses resulting in a greater demand and need for improved public transit, roadways, lighting, utilities, traffic control, pedestrian access, public safety, access to public transportation facilities and services, and compliance with the Americans with Disabilities Act, while promoting increased economic development activity and maintaining the character of this area in and around the city of Boston; provided, that not less than $12,500,000 shall be expended for the planning, design and construction of roadway improvements to Sears rotary, Ipswich street, Maitland street, Francis street, Brigham circle, the Honorable Phillip Griggs Bowker Interchange, and Yawkey way in the city of Boston; provided further, that not less than $5,600,000 shall be expended for the city of Boston for the planning, design and construction of traffic management, including new and improved signals and traffic management equipment for Brookline avenue, Boylston street, Beacon street, Commonwealth avenue, Melnea Cass boulevard, Ruggles street and other streets and roadways in and around the Longwood Medical, Fenway and Kenmore Square areas, and for expansion of the staff and equipment of

the Boston transportation department's traffic management center; provided further, that not less than $400,000 shall be expended for a study to investigate the improvement of traffic flow in and around the Longwood Medical, Fenway and Kenmore square areas and all intersecting streets and roadways, including, but not limited to, an analysis of: (i) use of variable one-way lanes during peak traffic hours; (ii) peak-time traffic restrictions and bus and ambulance priority lanes; (iii) permanent reconfiguration of two-way streets to one-way streets; and (iv) partial or complete elimination of on-street parking on Brookline avenue and other streets and roadways; provided further, that not less than $12,000,000 shall be expended for the design, planning and construction of upgrades of Massachusetts Bay Transportation Authority Yawkey commuter rail station on the Worcester-Framingham line, so-called, including, but not limited to, service improvements, an extension or reconstruction of the existing platform to allow for bi-directional service provided such does not prevent nor interfere with other service upgrades or with other improvements to the area, new canopies, bus waiting area, vehicle and pedestrian access improvements to Beacon street and Brookline avenue and a new universal crossover between the two Boston live tracks, east of Brookline avenue; provided further, that not less than $500,000 shall be expended for a study and preliminary design, in consultation with the Massachusetts Turnpike Authority and the city of Boston, of a multimodal commuter rail and bus station and parking facility in North Allston, including, but not limited to, analysis of: (i) the siting of a North Allston station, taking into account current and future demand; and (ii) the creation of a Turnpike Authority access ramp to that station; and provided further, that not less than $5,000,000 shall be expended for the planning, design and construction of enhancements to the Fenway, Kenmore and Longwood stations, so-called, on the Massachusetts Bay Transportation Authority Green Line, including, but not limited to, pedestrian access improvements, the addition of gates and storage tracks, and enhancements to improve connectivity with the Yawkey commuter rail station and for the planning, design, and construction of an additional commuter rail platform at Ruggles Station, so-called $36,000,000

EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT.

Office of the Secretary.

7002-0045 For the wireless broadband affairs director within the executive office of economic development ..... $250,000.

Department of Workforce Development.

7003-1641 For a grant for the Small Business Association of New England for the layoff aversion through management assistance program for consultant and technical assistance to manufacturing companies in Massachusetts to prevent business closure and employee displacement; provided, that the expenditure of the layoff aversion through management program as provided for in this item shall leverage at least $1 in matching funds for every $1 granted pursuant to this item; provided further, the president of the Small Business Association of New England shall file a quarterly report with the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development on the number of employees and manufacturing-based companies that have received financial assistance through this item, a detailed description of the services provided to manufacturing companies in the commonwealth through the layoff aversion through management program, and a detailed account of the expenditures of the layoff aversion program, including administrative costs $250,000

Department of Housing and Community Development.

7004-2051 For a one time grant to the city of Worcester, on or before December 31, 2006, for use by the city in the financing of the public improvements associated with the CitySquare project; and provided further, that not less than $1,000,000 shall be expended for repairs and improvements to the Stoughton train station and the surrounding central business district in the town of Stoughton, including but not limited to infrastructure and parking improvements, sidewalks, lighting, safety, and aesthetic improvements, and salaries and/or fees for professional municipal planning work related to said repairs and improvements $26,000,000

7004-0090 For a one-time grant to the city of Quincy for use by the city in the financing of the Quincy Center revitalization initiative $5,000,000

Department of Business and Technology.

7007-0333 For the establishment within the Massachusetts office of business development of a Massachusetts in-state sales force for the marketing and promotion of the commonwealth and to increase economic development within the commonwealth; provided, that the duties of said instate sales force shall include, but not be limited to, the encouragement of retention, expansion, and creation of businesses and industries within the commonwealth, and the development of standards and measures to monitor and report the progress of its actions; and provided further, that the Massachusetts office of business development shall aggregate all such data and annually submit a report to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, and the joint committee on community development and small businesses on the activities and expenditures undertaken with funding from this line item $1,500,000

7007-9031 For the Massachusetts Technology Development Corporation, established pursuant to section 3 of chapter 40G of the General Laws, in this item called MTDC; provided, that upon receipt of this appropriation, MTDC shall deposit $2,500,000 in the fund created pursuant to section 4 of said chapter 40G and shall invest that amount in accordance with said section. $2,500,000

7007-0932 For the University of Massachusetts Boston for the design, construction and development of a Venture Development Center, a state of the art research and business center offering specialized core research and development facilities for collaboration with businesses and other research institutions to develop methods and technologies that can be translated into new commercial services and products; provided, that $4,000,000 may be used for construction and equipment in the former cafeteria of the Wheatley building, and not more than $1,000,000 may be used for start-up and operating expenses; provided further, that the funds shall not be available for faculty salaries; provided further, that the funds shall be available through June 30, 2010 ..... $5,000,000

7007-9033 For the Massachusetts Technology Park Corporation for the purposes of a grant program established in section 110 ..... $3,000,000

7007-9036 For a one-time grant to the city of Westfield of not less than $2,100,000 for the purpose of assisting with economic development, engineering and infrastructure improvements; provided, that funds from this one-time grant shall be used in conjunction with the construction of an approximately 1.5 million square foot retail distribution facility to be located in the vicinity of North road and Falcon drive in the city of Westfield; and provided further, that not less than $1,000,000 shall be expended for economic revitalization in and around the Central avenue business district in the town of Milton, including, but not limited to, infrastructure and road improvements, side walks, lighting, safety and aesthetic improvements $3,100,000

7100-8181 For a one-time grant to the University of Massachusetts at Amherst for a public/private program of matching funds between the food science department of the university and private food industry businesses with the purpose of establishing the research, scientific and regulatory frameworks to expand the creation and production of high-value, high-growth and high-profitability functional foods and to stimulate growth and profitability in the food-producing industries in the commonwealth; provided, further, that grants pursuant to this item shall be subject to a matching funding requirement of dollar for dollar of the amount of the grant $200,000

SECTION 2B. To provide for a program of infrastructure development and improvements, the sums set forth in section 2B for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the laws regulating the disbursement of public funds and approval thereof.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of the Secretary.

1100-8000 For the Massachusetts Opportunity Relocation and Expansion Jobs Capital Program related to site remediation, preparation and ancillary infrastructure improvement projects; provided that the local executive government body and a for-profit entity involved in the project shall jointly submit a request for funding to the secretary of economic development; and pro-

vided further, that not less than $10,000,000 shall be used for a bio-processing facility at, or near the University of Massachusetts at Dartmouth, or on behalf of a chapter 180 corporation established pursuant to section 108 of this act, subject to the discretion of the president of the University of Massachusetts. The requests to the secretary shall include sufficient documentation, including but not limited to, a project plan with specific goals and objectives that fully documents the proposed project and either that (i) the businesses associated with the project will generate substantial sales from outside the commonwealth and will result in the creation of a net increase of at least 100 new permanent full-time jobs in Massachusetts within 24 months upon receipt of a grant and commits that the jobs are to be maintained herein for at least a five year period or (ii) documents an economic benefit that the secretary determines is sufficiently exceptional. The secretary shall, not later than December 31, 2006 promulgate regulations or issue guidelines regarding the proposed program described herein; provided further, that annually on or before December 31, the secretary shall issue a written report to the clerk of the house of representatives and the clerk of the senate, which shall include detailed descriptions of any infrastructure improvement projects funded pursuant to this program and all funds expended for this purpose $100,000,000

1100-8001 For the Massachusetts Community Investment Capital Program related to capital investments for community improvements; provided that not less than $2,545,000 shall be expended for a study of the feasibility of building a tunnel for the Silver Line to travel under D street in the city of Boston; provided further, that $5,000,000 shall be expended for a grant program to fund the rehabilitation, reconstruction and construction of sea walls, provided, that preference of funding for the renovations and construction of these sea walls shall be give to those areas that pose an immediate hazard to public safety; provided further, that $75,000 shall be expended for renovations of McKeon Field in the Hyannis section of the town of Barnstable; provided further, that not less than $250,000 shall be expended for the acquisition, design and construction of the southern extension of the Ashuwillticook

Trail in the city of Pittsfield; provided further, that not less than $200,000 shall be expended for the planning, design and construction of a new visitors' center on state highway route 127 in the town of Rockport; provided further, that not more than $2,500,000 shall be expended for purchase of a certain parcel of land known as Rattlesnake Hill, in the town of Sharon; provided further, that $7,000,000 shall be expended for the renovation of the Senator William X. Wall Experiment Station; provided further, that $1,000,000 shall be expended to establish public access and a new riverfront walking and cycling path along the south side of the Merrimack river in the city of Lawrence; provided further, that $350,000 shall be expended for preparation of architectural and engineering plans for construction of an addition, including a 50-seat auditorium for tour group orientation and educational programs for the River Bend Farm Visitors Center of the Blackstone river and Canal Heritage State Park in the town of Uxbridge; provided further, that $2,000,000 shall be expended for flood control projects in the city of Peabody; provided further, that $8,000,000 shall be expended for the preparation of final design, permitting, construction plans, specifications and construction for the route 24 project in connection with the southeastern Massachusetts bioreserve; provided further, that not less than $1,000,000 shall be expended to the city of Pittsfield for improvements to the parking in downtown Pittsfield; provided further that not less than $1,000,000 shall be expended for the purchase of certain property and for the design, planning and construction of green space and expanded parking in the town of Groveland; provided further, that $250,000 shall be expended for preparation of plans for the French River Greenway in the towns of Oxford, Webster, and Dudley to connect the Quinebaug Trail and the Mid-State Trail; provided further, that $500,000 shall be expended for the South Canal Improvement project in the city of Lawrence; provided further, that $1,000,000 shall be expended for the Old South Road and Connector Bike Path in the town of Nantucket; provided further, that $3,000,000 shall be expended for a new terminal project at the Nantucket Memorial Airport; provided further, that $2,000,000 shall be expended as a 20 per cent match of federal dollars to build parking facilities and make

rail improvements at the Ayer Massachusetts Bay Transportation Authority station; provided further, that not less than $2,000,000 shall be expended for the establishment of the Cranberry Bog Renovation Innovation Program; and provided further, that $1,000,000 shall be expended for the Our House for Design and Technology Center in the city of Lawrence, provided further, that $40,000 shall be expended to assist the city of Newton with a smart growth development plan for Newton Center, provided further that not less than $1,000,000 be expended for the Leominster flood mitigation project, provided further, that not less than $500,000 shall be expended for the installation of air conditioning and other improvement at the historic Memorial Hall in the city of Melrose to allow for year-round cultural performances; provided further, that not less than $50,000 shall be expended for repairs and renovations to the historic Hartshorne House in the town of Wakefield; provided further, that not less than $500,000 shall be expended for the Ashland Vision downtown renovation and redevelopment project in the town of Ashland; provided further, that not less than $500,000 shall be expended for the Framingham Downtown Renaissance economic revitalization consortium and the development of a capital plan to assess infrastructure enhancement needs to support further development in the town of Framingham; provided further, that not less than $250,000 shall be expended for a study to revitalize commercial and economic development in the city of New Bedford through redevelopment of the waterfront to a mixed commercial and residential zone; provided further that not less than $2,000,000 shall be expended for environmental remediation and clean up at the Modern Electroplating site in the Roxbury section of the city of Boston; provided further that not less than $500,000 be allocated to the Massachusetts Bay Transportation Authority for enhanced safety devices at the Wellesley Farms commuter rail station track crossing; provided further, that $350,000 shall be expended for infrastructure improvements at the Melmark School; provided further, that not less than $150,000 be expended for the North Main Street Planning Initiative located in the city of Worcester; provided further, that $400,000 shall be expended

for the design costs associated with the construction and improvement of Beacham street in the city of Everett; and provided further, that $20,000,000 shall be expended for the University of Massachusetts at Amherst's, Integrated Science Building, referred to as the ISB $66,910,000

1599-7156 For a reserve for facility improvements, or for design and construction of new facilities to promote nano-manufacturing and bio-manufacturing; provided, that the monies shall be used for infrastructure, equipment and operating costs related thereto; provided further, that not less than $14,000,000 shall be used for the purposes of constructing a nano-manufacturing and bio-manufacturing facility at the University of Massachusetts Lowell $14,000,000

EXECUTIVE OFFICE OF TRANSPORTATION.

1599-1955 For the executive office of transportation for the construction, development, modernization, rehabilitation, up-grade and improvement of certain public transportation-related infrastructure as described in this item in and around the city of Boston, including the Longwood Medical Area, Kenmore square, Medical Academic and Scientific Community Organization affiliated members, the Fenway, Fenway Park, and the campus of Boston University, to develop, facilitate, and promote continued economic development for the commonwealth, including job growth, economic advancement, increased research, innovation, product development, academic research, enrollment growth, investment, construction of commercial and residential facilities, and other increased economic activity of the businesses, hospitals, health care and related institutions or facilities, schools, colleges and universities, entertainment venues, shops, restaurants, service providers, museums and cultural institutions serving as an economic gateway to the city of Boston, thereby generating new and increased economic activity for life sciences, biotechnology, pharmaceuticals, health care and related activities, educational and other non-profit institutions, entertainment enterprises and other businesses resulting in a greater demand and need for improved public transit, public safety, access to public transportation facilities and services, and compliance with the

Americans with Disabilities Act, while promoting increased economic development activity and maintaining the character of this area in and around the city of Boston; provided that not less than $11,000,000 shall be expended for the planning, design and construction of enhancements to the Fenway, Kenmore and Longwood stations, so-called, on the Massachusetts Bay Transportation Authority Green Line, so-called, including but not limited to pedestrian access improvements, the addition of gates and storage tracks, and enhancements to improve connectivity with the Yawkey commuter rail station, so-called, and for the planning, design, and construction of an additional commuter rail platform at Ruggles Station, so called; provided further that not less than $90,000 shall be expended to study, evaluate, and report on, no later than December 31, 2006, the benefits of constructing a transit tunnel connecting the Ruggles MBTA Station, so-called to the Fenway area, including planned service lines; and provided further, that not less than $8,000,000 shall be expended for the planning, design and construction of service enhancements to the Massachusetts Bay Transportation Authority Green Line, so-called, including installation of new eastbound crossover tracks at Park Street Station, so-called, and a dynamic double berthing information system $19,090,000

SECTION 3. Chapter 6 of the General Laws is hereby amended by inserting after section 12XX the following 2 sections:—

Section 12YY. The governor shall annually issue a proclamation setting apart the third week of November, or such other week if in conjunction with a federally recognized international education week, to be International Education Week for the purpose of encouraging schools to participate in programs of international education, and recommend that said week be observed in an appropriate manner by the people.

Section 12ZZ. The governor shall annually issue a proclamation setting apart October 21 as Massachusetts Biomedical Research Day, in conjunction with National Biomedical Research Day, and recommending that the day be observed in an appropriate manner by the people.

SECTION 4. Chapter 7 of the General Laws is hereby amended by inserting after section 23A the following section:—

Section 23B. (a) Notwithstanding any general or special law to the contrary, and to the extent permitted by federal law, a state agency or authority when purchasing products of agriculture as defined in section 1A of chapter 128, including but not limited to, fruits, vegetables, eggs, dairy products, meats, crops, horticultural products or products processed into value added products as part of a Massachusetts farm operation, shall prefer products

grown in the commonwealth or products produced using products grown in the commonwealth as well as fish, seafood, and other aquatic products.

(b) To effectuate the preference for those products of agriculture grown or produced using locally grown products, the state purchasing agent responsible for procuring the products on behalf of a state agency or authority shall: (1) in advertising for bids, contracts or otherwise procuring products of agriculture, make reasonable efforts to facilitate the purchase of such products of agriculture grown or produced using products grown in the commonwealth; and (2) purchase the products of agriculture grown or produced using products grown in the commonwealth, unless the price of the goods exceeds, by more than 10 per cent, the price of products of agriculture grown or produced using products grown outside of the commonwealth.

SECTION 5. Section 35J of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in lines 23 and 24, the words: "Regional Tourism Facility Fund, established pursuant to section 42 of chapter 23G" and inserting in place thereof the following words:— Massachusetts Cultural Facilities Fund, established pursuant to subsection (b) of section 42 of chapter 23G.

SECTION 6. Section 1G of chapter 15 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

(g) The commissioner of education, in consultation with the chairman of the board of higher education, shall direct the global education advisory council to explore international opportunities for learning, exchange programs and the availability of curriculum materials for students, teachers, administrators and educational policy makers. Said global education advisory council shall: (a) investigate and compile information concerning international education programs and opportunities. The council shall make recommendations to the commissioner on the expansion of international education programs and opportunities and shall consider ways to encourage participation in such programs. The council shall advise the department of education and the joint committee on education on international program opportunities and the availability of federal or nonprofit agency grants or other funding sources for such programs. The department shall provide information on international education opportunities to local and regional boards of education and to institutions of higher education; (b) develop guidelines and standards to aid local and regional school districts in the establishment of programs of international studies. Such guidelines and standards shall describe the essential components of a quality educational program incorporating international education concepts. The council shall submit such guidelines and standards to the department of education for review and approval; (c) develop criteria for what constitutes a sister school partnership program between a public school of this state and a foreign school. Such criteria shall provide a process for recognition of such partnership. The council shall submit such criteria to the department of education for review and approval; (d) advise the department of education on possible incentives to encourage the formation of partnerships that meet criteria established in accordance with the provisions of subsection (c). Such incentives may include, but need not be limited to, cooperation between

sister partnership schools in teacher certification, student assessment programs and recognition of student course credit, participation in summer programs and in other areas where the state could recognize the value of the sister school partnership relationships with minimal cost; (e) conduct an assessment of current practices regarding international education in elementary and secondary public schools in the commonwealth. The global education advisory council's assessment of current practices shall include, but not be limited to, information gathering through public hearings.

SECTION 7. Said chapter 15 of the General Laws is hereby amended by adding the following section:—

Section 66. (a) It shall be the policy of the commonwealth to encourage students, teachers, administrators and educational policy makers to participate in international studies, international exchange programs and other activities that advance cultural awareness and promote mutual understanding and respect for the citizens of other countries.

(b) The department of education may recognize a school that meets the standards for international education programs developed by the global education advisory council.

(c) The commissioner of education shall, annually, subject to appropriation, award grants not to exceed ten thousand dollars to local or regional school districts which operate schools recognized pursuant to this section. Such board shall use the funds to support the international education programs at such schools.

(d) The department of education may recognize sister school partnership programs between public schools of the commonwealth and foreign schools. Within available appropriations, participation in such partnership programs shall allow foreign schools access to state programs of professional development and technical assistance programs under the same terms and conditions as for public schools of this state with reciprocity for participation in such programs.

(e) Wherever possible, the department of education may promote exchanges of a limited number of professional personnel and students by state agencies and educational institutions, with institutions of other states and other countries and may pay the salaries of such personnel and may assign scholarships and grants-in-aid to such exchanges.

SECTION 8. Chapter 15A of the General Laws is hereby amended by inserting after section 4 the following section:—

Section 4A. (a) Within the board of higher education there shall be the Robert H. Goddard council on science, technology, engineering and mathematics education. The council shall consist of: the commissioner of the department of education or his designee; the commissioner of the department of early education or his designee; the director of the office of workforce development or his designee; the president of the Massachusetts Teachers Association or his designee; the chairperson of the board of higher education or his designee; the president of the Technology Education Association of Massachusetts or his designee; the executive director of the Massachusetts Technology Collaborative or his designee; the executive director of the Massachusetts Development Finance Agency or his

designee; the president of Associated Industries of Massachusetts or his designee; the president of the Massachusetts Federation of Teachers or his designee; 2 members of the senate appointed by the president of the senate, 1 of whom shall be co-chairperson of the council; 1 member of the senate to be appointed by the minority leader of the senate; 2 members of the house of representatives appointed by the speaker of the house of representatives, 1 of whom shall be co-chairperson of the council; 1 member of the house of representatives to be appointed by the minority leader of the house of representatives; and 11 members to be appointed by the governor, 1 of whom shall be the chief executive officer of a life-science firm, 1 of whom shall be a chief executive officer of a technology firm, 1 of whom shall be a chief executive officer of a health care corporation, 1 of whom shall be a chief executive officer of a consulting engineering firm, 1 of whom shall be a representative of a minority led firm, 1 of whom shall be a representative of a female led firm, 1 of whom shall be a chancellor of a state university or college, 1 of whom shall be a president of a state college or his designee, 1 of whom shall be a president of a community college or his designee, 1 of whom shall be a superintendent of a public school system or his designee, and 1 of whom shall be the president or executive director of the Massachusetts Technology Leadership Council or his designee.

(b) The council shall: (1) annually evaluate and make recommendations to the chancellor of higher education regarding programs supported by the pipeline fund, so-called, as established by section 2MMM of chapter 29; (2) investigate, study and make recommendations to the general court on maintaining a specialized workforce to support and expand the science, technology, engineering and mathematics sectors in the commonwealth and prepare students for the demands of a knowledge-based economy of the future and attract and retain students entering the science, technology, engineering and mathematics fields of study; (3) investigate and make recommendations to the chancellor of higher education regarding similar programs throughout the state so as to eliminate duplication and provide for one coordinated, consolidated statewide network of science, technology, engineering and mathematics programs for in-state students; and (4) investigate and pursue alternative funding services for the advancement of these disciplines. The council shall also investigate the public college and university system, including community colleges, to determine the feasibility of establishing job training programs specifically geared toward creating science, technology, engineering and mathematics employment opportunities and to identify and establish career ladders within science, technology, engineering and mathematics employment opportunities. The council shall also investigate the impact of changing demographics on the commonwealth and make recommendations on ways to incorporate the changes in order to enhance the state's capacity to build a strong and competitive workforce. The council shall submit quarterly reports on the fund's progress and shall, not later than December 31, submit a cumulative annual report, together with any recommendations, to the clerk of the senate, the clerk of the house of representatives, the chair of the house and senate committees on ways and means, the chairpersons of the joint committee on economic development and emerging technologies, the chairpersons of the joint committee on labor

and workforce development, the chairpersons of the joint committee on higher education, and the chairpersons of the joint committee on education. The reports shall include: (1) a list of grant recipients from the pipeline fund; (2) the amount of each grant; (3) the amounts of non-state funding credited to the pipeline fund; (4) the purposes of grants from the pipeline fund; (5) an annual statement of cash inflows and outflows detailing the sources and uses of the funds; (6) a forecast of future payments based on current binding obligations; and (7) a detailed breakdown of the purposes and amounts of administrative costs charged to the fund.

SECTION 9. Chapter 18 of the General Laws is hereby amended by inserting after section 2 the following section:—

Section 2A. (a) The department of transitional assistance shall amend the food stamp employment and training plan to maximize the use of the 50-50 match provision, so-called, for the claiming of allowable federal matching funds from the United States Department of Agriculture pursuant to the federal Food Stamp Employment and Training Program for education, employment and training services for eligible food stamp participants, including related dependent care and transportation expenses, to the fullest extent permitted by federal law.

(b) The department, together with agencies and other entities that provide education, employment or training services in the commonwealth, including but not limited to the department of mental retardation, the department of mental health, the department of education, the department of workforce development, the Massachusetts rehabilitation commission, local governments, community colleges, other educational institutions, workforce organizations and nonprofit providers of education, employment and training services, shall continue and expand efforts to enroll eligible education, employment and training program participants in the food stamp program and to enroll eligible food stamp participants in education, employment and training activities.

(c) In addition to any other sums appropriated by the general court for those services, the department shall expend $3,000,000 annually from revenue received from the United States Department of Agriculture as federal Food Stamp Employment and Training Program matching funds for employment and training services provided by, or under contract with, the department of mental retardation, the department of mental health, and the Massachusetts rehabilitation commission for employment and training services provided to recipients and former recipients of transitional aid to families with dependent children.

(d) Funds not to exceed the equivalent of 5 per cent of federal Food Stamp Employment and Training Program matching funds received in any fiscal year, excluding the amounts made available for expenditure by the department of transitional assistance pursuant to subsection (c), shall be made available to the department of transitional assistance for otherwise non-reimbursed administrative costs associated with claiming federal matching funds pursuant to the federal Food Stamp Employment and Training Program for education, employment and training services for eligible food stamp participants.

(e) Upon application by an agency or other entity, including but not limited to the department of mental retardation, the department of mental health, the department of educa-

tion, the department of workforce development, the Massachusetts rehabilitation commission, local governments, community colleges, other educational institutions, workforce organizations and nonprofit providers of education, employment and training services, whose expenditures for education or training services for food stamp participants generated the federal matching funds, funds equivalent to the remaining federal Food Stamp Employment and Training Program matching funds received in any fiscal year shall be provided, on a pro-rata basis, to support additional education, employment and training services and related program costs and up to 5 per cent of these funds may be used for administrative costs incurred by said agency or organization claiming said federal matching funds. These funds shall not be used to supplant existing services.

SECTION 10. Section 2 of chapter 23A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:—

(h) To increase access to affordable and reliable broadband services across the commonwealth.

SECTION 11. Said chapter 23A is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. (a) MOBD shall contain the following 4 divisions: business services, entrepreneurial and small business development, wireless and broadband development and manufacturing development. Each division shall be under the charge of a director subject to the direction, control and supervision of the director of economic development. Each director shall be a person of skill and experience in the field of his appointment and shall be appointed and may be removed by the executive director, with the approval of the secretary, and shall serve until so removed. The position of director shall not be subject to section 9A of chapter 30 or chapter 31. Each director shall devote his full time during business hours to the duties of his office. The MOBD executive director may authorize any director to exercise in his name any power, or to discharge in his name any duty, assigned to him by law, and he may at any time revoke the authority.

(b) The function of the director of wireless and broadband development, hereinafter the director, created pursuant to subsection (a) shall be to facilitate access to high speed connectivity and telecommunications in the commonwealth, with a special interest in increasing the presence of affordable, state-of-the-art wireless internet, cellular and broadband access across the commonwealth to promote economic development, meet the commonwealth's homeland security and emergency preparedness needs, improve government efficiency, and improve the quality of life for the commonwealth's residents. The director shall, in consultation with the wireless broadband development council established pursuant to section 6B of chapter 40J, develop a state telecommunications plan to ensure extensive wireless internet, cellular and broadband access for every community within the commonwealth. The duties and powers of the director shall include, but not be limited to, the following: (1) identifying communities that lack affordable and competitive wireless internet, cellular and broadband service; (2) identifying areas where, due to geographic remoteness, sparsity of population or other considerations, private-sector capital

investment in wireless internet, cellular and broadband facilities deployment is not sufficient to meet the present and future needs of the area, and in those areas (i) develop strategies, including but not limited to, public-sector partnerships, including aggregation of demand, as a means to increase the presence of affordable, state-of-the-art wireless internet, cellular and broadband access; and (ii) facilitate the development of private, joint public-private, or public initiatives which afford open, competitive, content-neutral wireless internet, cellular and broadband services accessible via multiple carriers; (3) examining and identifying the best practices of other states, municipalities, and foreign governments relative to achieving wireless internet, cellular and broadband connectivity in underserved areas, including, but not limited to, the creation of public entities to facilitate the introduction of wireless internet, cellular and broadband services to underserved areas; (4) identifying state-of-the-art technologies that are well-suited to bring wireless internet, cellular and broadband service into underserved communities; (5) conducting a survey and analysis of all state owned lands to identify specific state lands that, if made available for the purpose, would facilitate the deployment of wireless internet, cellular and broadband technologies and services to achieve service in underserved areas; (6) working in conjunction with the executive office of transportation and construction, the division of capital asset management and maintenance and other appropriate state, regional and municipal agencies, develop a plan to ensure that each state construction project, including but not limited to, buildings, roads and bridges shall include access for wireless internet, cellular and broadband infrastructure or enable future deployment of wireless internet, cellular and broadband infrastructure, including appropriate design for placement of wires, wireless arrays, and poles and pole attachments; (7) investigating the development of wireless internet, cellular and broadband systems for downtown areas, commencing with areas of high growth, and working in consultation with the wireless broadband development council, established pursuant to section 6A of chapter 40J of the General Laws, to develop demonstration projects to facilitate wireless access in underserved small-to-mid sized communities; (8) investigating ways to financially support increased wireless internet, cellular and broadband connectivity, including a state universal service fund for the purpose; (9) examining the feasibility of establishing a universal statewide right of way fee to reduce the time from permit application to local approval, in order to promote wireless internet, cellular and broadband facilities deployment; (10) identifying any state law or regulation that hampers the expansion of wireless internet, cellular and broadband services or provides unreasonable competitive advantages to regulated, telecommunications carriers or cable operators, including access to, or use of, municipal or other facilities or rights-of-way; (11) working with the department of telecommunications and energy and other appropriate state agencies and private parties to identify the locations of dark fiber and telecommunications tower access areas owned by telecommunications companies in the commonwealth; (12) identifying federal regulations and statutes that impede the deployment of wireless internet, cellular and broadband facilities and services and advocating before the United States Congress and the Federal Communications Commission for appropriate amendment of these federal policies; and (13)

taking other actions considered necessary to fulfill the goal of establishing a competitive wireless internet, cellular and broadband market within the commonwealth. The director of broadband development shall work in consultation with the wireless broadband development council established pursuant to section 6A of chapter 40J of the General Laws. Notwithstanding the requirements of subsection (a), the director of wireless and broadband development shall have extensive experience in the broadband, telecommunications or data communications industry, including, but not limited to, the utilization of market-based strategies to induce wireless internet, cellular or broadband deployment, the creation of public entities to facilitate wireless internet, cellular and broadband deployment, and a demonstrated knowledge of state-of-the-art technologies that bring wireless internet, cellular and broadband to underserved areas, including, but not limited to, wireless technologies. The director of wireless and broadband development shall annually, no later than December 31, submit a report, including any recommendations for legislation, to the secretary of the executive office of economic development, the director of the department of business and technology, the chairman of department of telecommunications and energy, the chairpersons of the house and senate committees on ways and means, the chairpersons of the joint committee on economic development and emerging technologies and the chairpersons of the joint committee on telecommunications, utilities and energy.

SECTION 12. Section 3F of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 70 and 71, the words "or by the commissioner of revenue upon denial of the application of the tax credit provided in section 38N of chapter 63," and inserting in place thereof the following word:— only.

SECTION 13. Said section 3F of said chapter 23A, as so appearing, is hereby further amended by striking out, in line 74, the word "or", the second time it appears, and inserting in place thereof the following word:— and.

SECTION 14. Said chapter 23A is hereby further amended by inserting after section 3H the following section:—

Section 3I. (a) Notwithstanding any other provisions of this chapter, the department shall upon receipt of qualifying applications, expend not less than $500,000 annually in matching grants to assist municipalities to purchase environmental insurance naming as an additional insured the Massachusetts Bay Transportation Authority or the executive office of transportation and construction, as applicable, for purposes of establishing and maintaining rail-trails, as defined in section 2 of chapter 21E and section 35A of chapter 82, utilizing the Brownfield's Redevelopment Access to Capital Policy Form or similar or replacement form, with terms, conditions, amendments and endorsements as appropriate under the circumstances of the proposed rail-trail project, and with coverage limits of at least $3,000,000 per incident, a deductible of at most $50,000 per incident, and a term of at least 5 years.

(b) Unless specifically required by federal law in connection with any grant for construction of a rail-trail, a municipality that has applied for and received a grant and has purchased the environmental insurance as described in subsection (a) shall not be required

to furnish to any person, authority or governmental entity, any other form of environmental insurance, or any defense, indemnification or hold harmless agreement with respect to any claims, injuries, costs, damages or other relief arising out of or related to the pre-existing release or threat of release of oil or hazardous materials at or from the project site as those terms are defined in chapter 21E, in connection with its design, acquisition, construction, use or maintenance of the rail-trail for which the application is made.

(c) The department shall promulgate regulations, policies, or directives necessary to expedite the receipt and approval of grant applications from municipalities under this section.

SECTION 15. Section 23A of said chapter 23A, as so appearing, is hereby amended by adding the following 2 paragraphs:-

The OITI executive director shall also serve as the Massachusetts trade representative. The purpose of the Massachusetts trade representative shall be to: (1) serve as the commonwealth's official point of contact with the federal government on international trade-related matters; (2) work with the executive office of economic development and other appropriate state agencies to analyze proposed and enacted international trade agreements and provide an assessment of the impact said agreements on the commonwealth's economy; (3) serve as the designated recipient of federal requests for the commonwealth to agree to be bound by investment, procurement, services or any other provisions of international trade agreements, including those which may infringe upon state law or regulatory authority reserved to the commonwealth; (4) serve as a liaison to the general court on matters of international trade policy oversight including, but not limited to, reporting to members of the general court on a regular basis on the status of ongoing international trade negotiations, international trade litigation, and dispute settlement proceedings with implications for existing state laws, state regulatory authority and international trade policy on the commonwealth's economy.

The trade representative shall, within 30 days of receipt, forward any requests or communications received from the United States Trade Representative relative to any issue of international trade, including requests seeking the commonwealth's consent to be bound by international trade agreements, to the clerk of the house of representatives and the clerk of the senate, who shall promptly refer the communications or requests to the joint committee on economic development and emerging technologies. The joint committee shall, within 30 days of receipt, conduct a public hearing on any request seeking the commonwealth's consent to be bound by an international trade agreement. The joint committee may issue a report within 120 days of the public hearing including a resolution to the general court relative to the recommendations of the committee on whether the commonwealth should consent to the international trade agreement in question and memorializing the commonwealth's trade representative and the governor to take appropriate measures within their power to advise the United States Trade Representative of the recommendations of the general court.

SECTION 16. Said chapter 23A is hereby further amended by striking out section 56, as so appearing, and inserting in place thereof the following section:—

Section 56. (a) There shall be within the department of economic development a Massachusetts quasi-public corporation and public purpose agency planning council, hereinafter referred to as the council, which shall not be subject to the control of the department except as provided in this section. The purpose of the council shall be to ensure regular communication and coordination between the quasi-public corporations and public purpose agencies as to their economic development projects, programs and plans. The council shall consist of the chief executive officers or their designees from each of the following agencies: the executive office of economic development, who shall serve as chair of the council; the office of business and technology; the Commonwealth Corporation; the department of workforce development; the Massachusetts Community Development Finance Corporation; the Massachusetts Development Finance Agency; the Massachusetts Health and Educational Facilities Authority; the Massachusetts Technology Development Corporation; the Massachusetts Technology Park Corporation; the Economic Stabilization Trust; the Massachusetts Port Authority; the office of international trade and investment; the office of travel and tourism; the Massachusetts Business Development Corporation; the University of Massachusetts; the board of higher education; the Massachusetts Workforce Investment Board; and the Massachusetts Small Business Development Center. The chairpersons of the joint committee on economic development and emerging technologies shall serve as ex-officio advisory members of the council. The council shall meet from time to time, but not less frequently than monthly. The secretary of economic development shall appoint personnel necessary to coordinate the activities of the council and to provide administrative support to the council, as requested. The agencies shall be required to submit to the department, in a form and manner prescribed by the department, information detailing debt or equity investment; the nature and amount of the investments; real estate or working capital loans; funds or technical assistance provided to businesses; other forms of financing or financial assistance provided to businesses, students or employees; the number of businesses created or enhanced as a result of the investments or assistance; and the number of jobs created as a result of the investments or assistance. The department shall aggregate the data and, not later than December 31, shall submit an annual report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, the joint committee on small business and community development and the joint committee on higher education. The council shall, from time to time, review and determine whether the present quasi-public corporations subject to this section are appropriately serving the goals of the council in establishing and implementing a more coordinated economic development policy. The council shall, in its annual report, make recommendations to the joint committee on economic development and emerging technologies recommending changes to the composition of the council, streamlining agencies on the council through the consolidation or elimination of duplicative services performed by quasi-public agencies, or creating new quasi-public agencies that would serve on said council; provided, however, that the council shall maintain not more than 8 regional offices

through the expansion of offices already in operation or by establishing new offices. Each office shall be responsible for the implementation of the coordinated plans, programs and projects in its region of the state.

(b) In order to fully utilize all appropriate measures to provide risk capital to small businesses in the commonwealth the Massachusetts Community Development Finance Corporation, the Commonwealth Corporation, the Massachusetts Development Finance Agency and the Massachusetts Technology Development Corporation shall establish 1 or more small business investment corporations (sbic) or special small business investment corporations (ssbic) as provided by the Small Businesses Equity Enhancement Act of 1992, Title iv of U.S. Public Law 102-366.

SECTION 17. Section 27 of chapter 23G of the General Laws, as so appearing, is hereby amended by striking out, in line 55, the word "sources." and inserting in place thereof the following words:— sources; (4) to provide low or no interest equipment loans targeted to companies within the defense technology and homeland security sector particularly those that are seeking to become more competitive against out-of-state companies; and (5) to provide matching grants in the field of marine science technology for Massachusetts companies that receive small business innovation research or small business technology transfer grants from the small business administration. The matching award amount shall be the lesser of $20,000 or 15 per cent of the small business innovation research or small business technology transfer grant. There shall be a maximum of $60,000 available per Massachusetts company, including affiliates, per calendar year allocated on a competitive basis, contingent upon the availability of funds. The matching funds shall be used for product development and commercialization.

SECTION 18. Said section 27 of said chapter 23G, as so appearing, is hereby further amended by inserting after the word "biotechnology", in line 66, the following words:— marine science technology,.

SECTION 19. Said section 27 of said chapter 23G, as so appearing, is hereby further amended by inserting after the word "loans", in line 75, the following words:— , working capital and contract based loans.

SECTION 20. Section 29A of said chapter 23G, as so appearing, is hereby amended by striking out, in line 67, the figure "$50,000" and inserting in place thereof the following figure:— $100,000.

SECTION 21. Said chapter 23G is hereby further amended by striking out section 42, as so appearing, and inserting in place thereof the following section:—

Section 42. (a) It is in the best interest of the commonwealth to promote the prosperity and general welfare of all citizens by enhancing cultural activities throughout the commonwealth by partially financing the acquisition, construction, expansion, renovation and repair of our cultural facilities. Preserving cultural resources may stimulate further investment in the arts, heritage, entertainment, humanities and interpretive sciences, which will increase employment and entrepreneurial opportunities for the citizens of the common-

wealth and increase tourism to the regions where these facilities are located, including tourism from outside the commonwealth.

(b)(1) As used in this section and section 43, the following terms shall, unless the context clearly requires otherwise, have the following meanings:—

"Agency", the Massachusetts development finance agency.

"Applicant", a cultural organization, as defined in this section, that has submitted an application for financial assistance from the Fund.

"Committee", the cultural facilities advisory fund committee.

"Cultural facility", a building, structure or site that is, or will be, owned, leased or otherwise used by 1 or more cultural organizations and that is accessible to the public and exempt from income taxation pursuant to section 501 (c)(3) of the Internal Revenue Code. The term cultural facility may include, but shall not be limited to, museums, historical sites, zoos, aquariums, nature or science centers, theaters, concert halls, exhibition spaces, classrooms and auditoriums suitable for presentation of performing or visual arts. Municipally owned buildings, structures or sites must be a minimum of 50,000 square feet in size, of which at least 50 per cent is used as a cultural facility. Public or private institutions of higher education may qualify if they demonstrate that their cultural facility provides service and open access to the community and the general public outside of the regular educational mission of the public or private institute of higher education and demonstrates financial need.

"Cultural organization", a nonprofit, public or private, civic educational or professional organization or educational foundation which is primarily concerned with the arts, humanities, interpretive sciences or local arts and which is exempt from income taxation pursuant to section 501 (c)(3) of the Internal Revenue Code. Public or private institutions of higher education may qualify if they demonstrate that their cultural organization provides service and open access to the community and the general public outside of the regular educational mission of the public or private institute of higher education demonstrates and financial need.

"Director", the executive director of the Massachusetts development finance agency.

"Eligible project", the acquisition, design, construction, repair, renovation, rehabilitation or other capital improvement or deferred maintenance of a cultural facility consistent with this section.

"Feasibility and technical assistance grant", a direct grant of monies from the fund subject to matching grant requirements, to an applicant for payment of the costs and expenses related to the undertaking and completion of a planning and feasibility study for a proposed eligible project; provided, however, that no such grant shall exceed $50,000. The agency may award a feasibility and technical assistance grant only upon its finding that: (i) the project is an eligible project; (ii) there is a demonstrated need for the project; (iii) the project will benefit tourism in the local area; (iv) there is a demonstrated financial need for the grant or loan; (v) there is local support for the project; and (vi) if undertaken, the proposed project would qualify as an eligible project.

"Fund", the Massachusetts Cultural Facilities Fund.

"Grant", a direct grant of monies from the fund to an applicant for payment of the costs of an eligible project, except that the amount of any single grant awarded from the fund shall not exceed $5,000,000.

"Loan", a direct loan of monies from the Fund to an applicant to finance a portion of the cost of an eligible project, except that the amount of any single loan awarded from the fund shall not exceed $5,000,000.

"Massachusetts cultural council", a public instrumentality created pursuant to section 52 of chapter 10.

"Matching funding", private or public monies donated or appropriated to an eligible project in the proportions to the qualified investment as set forth in subsection (c).

"Public body", the commonwealth and any body politic and corporate of the commonwealth, including any political subdivision thereof, or any consortium of any contiguous subdivisions and any federal agency.

"Qualified investment", a grant, including a feasibility grant, loan, guarantee or other financing or credit enhancement device provided under the Fund for an eligible project.

(2) There shall be the Massachusetts Cultural Facilities Fund, under the control of the agency, to which shall be credited, subject to appropriation, for any fiscal year in which revenues deposited into the Massachusetts Tourism Fund, established pursuant to section 35J of chapter 10, exceed the amounts deposited into the Massachusetts Tourism Fund in the previous fiscal year, 50 per cent of the increase in revenues beyond amounts received in the prior fiscal year by the Massachusetts Tourism Fund from the tax imposed by section 3 of chapter 64G, section 22 of chapter 546 of the acts of 1969 or any appropriation made pursuant to section 35J of chapter 10. In addition to the funds set forth in the preceding sentence, the fund shall be credited, subject to appropriation, in each fiscal year after the first appropriation to the fund, an additional amount not less than the previous fiscal year's appropriation. The fund shall also be credited in each fiscal year, subject to annual appropriation, an amount equal to the funds previously appropriated annually for payment of principal and interest on obligations issued for the rehabilitation, operation and maintenance of the Hynes convention center, or in no case less than $13,000,000 per annum. The fund shall also be credited with all bond proceeds, federal funds, private contributions, loans or other monies lawfully made available to the fund. The purpose of the fund shall be to make grants, and loans when appropriate, to finance eligible projects. Applicants may apply to the Fund for a feasibility and technical assistance grant, a grant and a loan for the acquisition, construction, expansion, renovation or repair of cultural, entertainment, public venues or other commercial facilities, and the agency may make a qualified investment in such a project upon its finding that: (i) the project is an eligible project; (ii) there is a demonstrated need for the project; (iii) the project will benefit tourism in the local area; (iv) there is a demonstrated financial need for the grant or loan; and (v) there is local support for the project. The agency shall hold the fund in a separate account, segregated from all other

agency funds. Except as hereinafter provided, the agency may invest and reinvest the Fund and the income thereon: (i) in making qualified investments; (ii) in investing funds not required for immediate disbursement in the purchase of such securities as may be lawful investments for fiduciaries in the commonwealth; (iii) for paying binding obligations associated with the qualified investments which are secured by the fund as the same become payable; (iv) for paying the principal and interest on qualified investments secured by the fund or the payments of any redemption premium required to be paid when such obligations are redeemed prior to maturity; and (v) for the reasonable costs of administering the fund, provided that the costs shall not exceed 7.5 per cent of the total loans or grants made annually.

(3) To the extent feasible, the agency may issue bonds on behalf of the fund. Bond proceeds shall be used for the purposes authorized by this section. The bonds shall be issued as revenue bonds and shall be recourse only to the funds appropriated or otherwise contributed under this section and such reserve funds as may be expressly created to guarantee the same. The bonds shall not be general obligations of either the agency or the commonwealth. Bonds issued in furtherance of this section shall not be subject to, or otherwise included in, the principal amount of debt obligations issued under section 29.

(4) The agency shall adopt by-laws or rules necessary to establish a minimum reserve to be maintained by the fund for the purpose of ensuring the fulfillment of any obligations incurred as a result of any bonds issued by the agency on behalf of the Fund. No qualified investment may be made where the expenditure would reduce the fund's assets to an amount below the minimum reserve.

(5) The agency shall be reimbursed from the fund for all reasonable and necessary direct costs and expenses incurred in any fiscal year associated with its bond issuance, administration, management and operation of the fund, including reasonable staff time and out-of-pocket expenses and the reasonable and approved administrative costs incurred by the Massachusetts cultural council or such other qualified organization which the agency may contract for services. The agency is authorized to establish a minimum reserve, in addition to such reserve established pursuant to subsection (2), to be maintained by the fund for the purpose of ensuring the satisfaction of the agency's and its agents' administrative costs.

(c) The fund may make qualified investments in eligible projects. The fund may make grants to applicants for eligible projects. No grant shall be made pursuant to this section without the required matching funding. The amount of any single grant, other than a feasibility and technical assistance grant awarded from the fund, shall not exceed $5,000,000 per annum. Grants for a total value of:

(i) less than $1,000,000 shall be subject to a matching funding requirement of the amount of the grant;

(ii) greater than or equal to $1,000,000 and less than $2,500,000 shall be subject to a matching funding requirement of at least twice the amount of the grant;

(iii) greater than or equal to $2,500,000 but less than $4,000,000 shall be subject to a matching funding requirement of at least 3 times the amount of the grant; and

(iv) greater than or equal to $4,000,000 and not more than $5,000,000 shall be subject to a matching funding requirement of at least 4 times the amount of the grant.

Notwithstanding any general or special law to the contrary, as a condition of accepting a grant from the fund, an applicant shall agree that, whenever ownership of any property which was acquired or improved with a grant from the Fund is transferred to a for-profit entity or to an unrelated non-profit entity which stops operating the property as a cultural facility, the full amount of such grant shall be repaid immediately to the fund. The agency may take a security interest or such other interest in the eligible project as may be necessary to secure its potential repayment rights.

(d) Notwithstanding any general or special law to the contrary, the agency shall enter into a contract with the Massachusetts cultural council or another qualified organization to manage some or all of the grant administration process on behalf of the agency. The agency may enter into a contract with another qualified organization to manage some or all of the grant administration process only if the Massachusetts cultural council fails to adequately perform its duties under a duly executed contract, ceases to exist, or for just cause. If the agency enters into a contract with another qualified organization, the agency shall submit, in writing, the reasons for the termination of its contract with the Massachusetts cultural council to the chairs of the joint committee on economic development and emerging technologies and the chairs of the joint committee on tourism, arts and cultural development. A contract executed pursuant to this section shall address, but shall not be limited to: proposed rules and guidelines for the fund, providing technical assistance to potential applicants, reviewing and evaluating applications and providing findings and recommendations to the committee as to which grant applications should be approved and awarded and which should be denied. The agency shall establish rules relative to the Fund, with the advice of the committee. Copies of the rules, and any modifications or amendments thereto, shall be delivered to the clerk of the house of representatives, the clerk of the senate, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies and the chairs of the joint committee on tourism, arts, and cultural development.

(e) The agency shall annually, not later than December 31, submit a report on the Fund's progress to the clerk of the house of representatives, the clerk of the senate, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies and the chairs of the joint committee on tourism, arts and cultural development. The annual report shall include: (i) a list of grant or loan recipients from the fund; (ii) the associated amounts received by each recipient; (iii) the amount of non-state funding leveraged by the Fund; (iv) the purpose of the grants or loans from the Fund; (v) an annual statement of cash inflows and outflows detailing the sources and uses of the Fund; (vi) a forecast of future payments based on current binding obligations; and (vii) a detailed breakdown of the purposes and amounts of administrative costs charged to the Fund.

SECTION 22. Said chapter 23G is hereby further amended by striking out section 43, as so appearing, and inserting in place thereof the following section:—

Section 43. There shall be a cultural facilities fund advisory committee, the function of which shall be strictly advisory to the agency in connection with the management and operation of the Massachusetts Cultural Facilities Fund. The committee shall consist of the following members: the director of the Massachusetts cultural council or his designee; the director of the office of travel and tourism or his designee; the director of the agency or his designee; and 6 members to be appointed by the governor, 1 of whom shall have expertise in fundraising, 1 of whom shall have expertise in finance and 1 of whom shall have expertise in construction. In appointing members, the governor shall ensure that each of the following geographic regions of the commonwealth is represented: the central area, the greater Boston area, the metro-west area, the northeast area, the southeast area and the western area. All members shall be appointed for a term of 5 years, may be reappointed, and shall serve without compensation, but may be reimbursed from the Fund for ordinary and reasonable in-state travel expenses. The committee may meet as often as the members may determine, but shall meet at least bi-annually, or at such other intervals as may be established by the agency in order to review recommendations made by the Massachusetts cultural council, or such other qualified organization with which the agency contracts, with respect to the Fund and to make any advisory recommendations with respect thereto to the agency. Subsection (d), and subsections (f) to (i), inclusive, and subsection (l) of section 2 shall apply to the members and affairs of the committee. All applications for grants or loans recommended by the Massachusetts cultural council or other such organization with whom the agency may contract shall be reviewed by the committee. The committee shall then issue findings and recommendations to the agency as to which applications should be approved. Only those applications that are recommended by the committee for approval shall be considered by the agency's board of directors for final approval. If the agency's board of directors votes to deny any recommended approval, the agency shall, within 30 days of such action, provide the applicant with a written explanation for such denial.

SECTION 23. Chapter 23H of the General Laws is hereby amended by adding the following section:-

Section 11. (a) There shall be in the department, but not subject to the jurisdiction thereof, a performance standards and workforce accountability task force, hereinafter called the task force. The task force shall develop and recommend policies that advance skills and workforce development opportunities for incumbent, unemployed and underemployed youth and adult workers whose lack of skills prevent or limit their successful employment. Lack of skills may include, but shall not be limited to, being less than proficient in English, mathematics, reading, writing, science and technology, or such other skills as Massachusetts employers may identify. The following groups shall be specifically targeted for assistance: adult workers with no post-secondary education; adult immigrants who seek to learn English; adults without a high school diploma; displaced workers; older workers; individuals not currently connected to the workforce; and youths between the ages of 16 and 21 who have either

dropped out of school or are at risk of dropping out, or who are academically at-risk of not completing the requirements for high school graduation. The task force shall develop recommendations which shall include, but not be limited to, the following: (i) maximizing the skills gained, the number of people served, and the quality of outcomes achieved through the workforce development system; (ii) increasing services and resources for those most in need and for the purpose of moving individuals and families out of poverty; (iii) identifying professional development and technical assistance needs and resources to strengthen workforce development programs and the skills of staff who deliver workforce development services; and (iv) evaluating and analyzing current local and state policies for the governance and coordination of workforce development agencies and programs in Massachusetts and making recommendations for improving coordination, oversight, performance standards, streamlining bureaucracy and maximizing resources.

(b) The task force shall design and conduct an evaluation and analysis of the present governance and coordination of workforce development agencies and programs in the commonwealth. On the basis of that study the task force shall recommend to the general court, and other appropriate agencies, policies and changes to policies likely to improve the results of workforce development efforts in the commonwealth. Said recommendations shall address improving coordination, oversight and maximizing resources. The goals of the study shall include assisting citizens of the commonwealth in making better use of the state's workforce development system, defining clearer lines of responsibility and accountability, and analyzing the management of the system in an effort to both improve service delivery and supplement the resources available for education and training. The task force shall publish a resource guide of all the workforce education and training resources available in the commonwealth.

(c) The task force shall consist of: the director of the department of workforce development or his designee; 3 members of the senate, 2 of whom shall be appointed by the senate president, 1 of whom shall serve as co-chair, and 1 of whom shall be appointed by the minority leader of the senate; 3 members of the house of representatives, 2 of whom shall be appointed by the speaker of the house of representatives, 1 of whom shall serve as co-chair, and 1 of whom shall be appointed by the minority leader of the house of representatives; the chancellor of the board of higher education or his designee; the secretary of the executive office of health and human services or his designee; and 18 members to be appointed by the governor, 1 of whom shall be from the Massachusetts Business Roundtable, 1 of whom shall be from the Associated Industries of Massachusetts, 2 of whom shall be from of the Massachusetts AFL-CIO nominated by its president, 2 of whom shall employ members from the Massachusetts Workforce Investment Board Association, 1 of whom shall be from the Workforce Investment Association of Massachusetts, 1 of whom shall be from the executive office of community colleges 1 of whom shall be from the department of education, 1 of whom shall be from the Massachusetts Workforce Investment Board, 1 of whom shall be from the Commonwealth Corporation, 1 of whom shall be from the Women's Union, 1 of whom shall be from the Massachusetts State Colleges Council of Presidents, 1 of whom shall

be from the Massachusetts Association of Community Development Corporations 1 of whom shall be from the Massachusetts Coalition for Adult Education, 1 of whom shall be from JFYNetWorks and 1 of whom shall be from the Massachusetts Workforce Alliance; provided, further, that at least 2 of the aforementioned members appointed by the governor shall represent business and workers' organizations from rural areas and communities with a population of less than 31,000 residents.

(d) Members of the task force shall serve without compensation. The task force shall annually, on or before December 31, file a report with the clerk of the house of representatives and the clerk of the senate, the house and senate committees on ways and means, the joint committee on labor and workforce development, and the joint committee on economic development and emerging technologies.

(e) The department of workforce development shall provide the funds necessary to carry out the activities of this section through workforce investment act funds. The department may use up to $500,000 of the workforce competitiveness trust fund for this purpose and shall provide administrative support to the task force, as requested.

(f) It shall be the responsibility of the department of workforce development, through the Commonwealth Corporation, in consultation with the workforce accountability task force to evaluate existing, and develop additional, performance standards for workforce and job-training programs receiving state funding in the areas of employment, skill, education, business and customer satisfaction impact for the agencies of the commonwealth that provide workforce development resources, education or training programs as defined by the task force. Commencing July 1, 2006, all workforce development services and job skills training programs receiving state or federal funds must submit, not later than June 30, an annual performance report to the department, the state workforce investment board, the house and senate committees on ways and means, the joint committee on education, the joint committee on higher education, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development. The annual performance report shall use the employment, education, business and customer satisfaction measures and standards as agreed upon and shall include any recommendations for the termination of any programs no longer required.

SECTION 24. The General Laws are hereby amended by inserting after chapter 23H the following chapter:—

CHAPTER 23I. THE MASSACHUSETTS LIFE SCIENCES CENTER.

Section 1. The general court finds and declares that:

(1) research in the life sciences and regenerative medicine presents a significant opportunity of yielding fundamental biological knowledge from which may emanate therapies to relieve, on a large scale, human suffering from disease and injury;

(2) the extraordinary biomedical scientists working within institutions of higher education, research institutes, hospitals, biotechnology companies and pharmaceutical companies can contribute significantly to the welfare of mankind by performing outstanding research in these fields;

(3) promoting the health of residents of the commonwealth is a fundamental purpose of state government;

(4) promoting life sciences research to foster the development of the next generation of health-related innovations, to enhance the competitive position of the commonwealth in this vital sector of the economy, and to improve the quality and delivery of health care for the people of the commonwealth is a clear public purpose and governmental function;

(5) public support for and promotion of the life sciences will benefit the commonwealth and its residents through improved health status and health outcomes, economic development, and contributions to scientific knowledge, and such research will lead to breakthroughs and improvements that might not otherwise be discovered due to the lack of existing market incentives, especially in the area of regenerative medicine, such as stem cell research;

(6) public support for, and promotion of, life sciences research has the potential to provide cures or new treatments for many debilitating diseases that cause tremendous human suffering and cost the commonwealth millions of dollars each year;

(7) it is imperative for the purposes of the commonwealth's competitiveness to invest in life sciences research, biotechnology, nanotechnology and bio-defense, to leverage revenues and to encourage cooperation and innovation among public and private institutions involved in life sciences research and related applications;

(8) the purpose of this chapter is to establish a life sciences center, to grant that center the power to contract with other entities to receive other funds, and to disburse those funds consistent with the purpose of this chapter;

(9) the life sciences center is intended to: (i) promote the best available research in life sciences disciplines through diverse institutions and to build upon existing strengths in the area of biosciences in order to spread the economic benefits across the commonwealth; and, (ii) foster improved health care outcomes in the commonwealth and the world; and

(10) the investments of the life sciences center are intended to support future statewide, comprehensive strategies to lead the nation in life sciences-related research, innovations and employment.

Section 2. As used in this chapter the following words, shall unless the context clearly requires otherwise, have the following meanings:—

"Board", the board of directors of the Massachusetts Life Sciences Center.

"Bonds", when used in reference to the Center, any bonds, notes, debentures, interim certificates, or other financial undertakings for the purpose of raising capital, including, but not limited to, lines of credit, forward purchase agreements, investment agreements and other banking or financial arrangements, issued by or entered into by the Center pursuant to section 6.

"Center", the Massachusetts Life Sciences Center established pursuant to section 3.

"Contribution agreement", any agreement authorized under this chapter in which a private entity or public entity other than the commonwealth agrees to provide to the Center contributions for the purpose of promoting life sciences research.

"Federal agency", the United States of America , the President of the United States of America , and any department of or corporation, Agency or instrumentality heretofore or hereafter created, designated or established by the United States of America .

"Fund", the Massachusetts Life Sciences Investment Fund.

"Life sciences", advanced and applied sciences, including but not limited to, stem cell research, regenerative medicine, biotechnology and nanotechnology.

"Life sciences research", advanced and applied sciences, including, but not limited to, stem cell research, regenerative medicine, biotechnology and nanotechnology, that has, as a result, significant chance of yielding fundamental biological knowledge from which may emanate therapies to relieve human suffering from disease and injury, vanguard medical therapies, or advanced scientific development and other areas of scientific research and development vital to the state's economy.

"Person", any natural or corporate person, including bodies politic and corporate, public departments, offices, agencies, authorities and political subdivisions of the commonwealth, corporations, trusts, societies, associations, and partnerships and subordinate instrumentalities of any one or more political subdivisions of the commonwealth.

"Public body", the commonwealth, and any body politic and corporate of the commonwealth, including any political subdivision or instrumentality thereof, which is empowered to issue bonds secured by a pledge of revenues or other special funds or assets, including any municipality or district for which the issuance of debt is governed or limited by the provisions of chapter 44.

"Revenues", any receipts, fees, rentals or other payments or income received or to be received on account of obligations to the Center including, without limitation, income on account of the leasing, mortgaging, sale or other disposition of a project or proceeds of a loan made by the Center in connection with any project and also including amounts in reserves or held in other funds or accounts established in connection with the issuance of bonds and the proceeds of any investments thereof, proceeds of foreclosure and any other fees, charges or other income received or receivable by the center other than the industrial mortgage established pursuant to section 4 with respect to a project or the financing thereof.

Section 3. (a) There is hereby created a body politic and corporate to be known as the Massachusetts Life Sciences Center. The center is hereby constituted a public instrumentality and the exercise by the center of the powers conferred by this chapter shall be considered to be the performance of an essential governmental function.

The center is hereby placed in the executive office of economic development but shall not be subject to the supervision, or control of said office, or of any board, bureau, department, or other center of the commonwealth, except as specifically provided in this chapter.

(b) The center shall be governed and its corporate powers exercised by a board of directors consisting of the secretary of administration and finance or his designee; the director of economic development or his designee; the President of the University of Massachusetts or his designee; 2 members who shall be appointed by the governor, 1 of whom shall

be a physician licensed to practice medicine in the commonwealth and 1 of whom shall be a chief executive officer of a Massachusetts based life sciences corporation which is a member of the Massachusetts Biotechnology Council. Each member shall serve for a term of five years. Any person appointed to fill a vacancy in the office of a member of the board shall be appointed in a like manner and shall serve for only the unexpired term of such member. Any member shall be eligible for reappointment. Any member may be removed from his appointment by the governor for cause.

(c) Three of the directors shall constitute a quorum and the affirmative vote of a majority of directors present at a duly called meeting where a quorum is present shall be necessary for any action to be taken by the board. Any action required or permitted to be taken at a meeting of the directors may be taken without a meeting if all of the directors consent in writing to such action and such written consents are filed with the records of the minutes of the meetings of the board. Such consents shall be treated for all purposes as a vote at a meeting.

The members of the board shall serve without compensation, but each member shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of his official duties.

(d) The provisions of chapter 268A shall apply to all ex-officio directors or their designees and employees of the center. The provisions of chapter 268A shall apply to all other directors of the center, except that the center may purchase from, sell to, borrow from, loan to, contract with or otherwise deal with any person in which any director of the center is in any way interested or involved; provided, however, that such interest or involvement is disclosed in advance to the members of the board and recorded in the minutes of the board; and provided, further, that no director having such an interest or involvement may participate in any decision of the board relating to such person. Employment by the commonwealth or service in any agency thereof shall not be deemed to be such an interest or involvement.

(e) The Board shall have the power to appoint and employ an executive director, and to fix his compensation and conditions of employment. The executive director shall be the chief executive, administrative and operational officer of the center and shall direct and supervise administrative affairs and the general management of the center. The executive director may, subject to the general supervision of the board, employ other employees, consultants, agents, including legal counsel, and advisors, and shall attend meetings of the board.

(f) Neither the center nor any of its officers, agents, employees, consultants or advisors shall be subject to the provisions of sections 9A, 45, 46 and 52 of chapter 30, or to chapter 31, or to chapter 200 of the acts of 1976.

(g) The board shall bi-annually elect 1 of its members as chairperson, 1 of its members as secretary. The secretary shall keep a record of the proceedings of the board and shall be custodian of all books, documents, and papers filed by the board and of its minute book and seal. The secretary shall cause copies to be made of all minutes and other records and documents of the center and shall certify that such copies are true copies, and all persons

dealing with the center may rely upon such certification. The treasurer shall be the chief financial and accounting officer of the center and shall be in charge of its funds, books of account and accounting records.

(h) All officers and employees of the center having access to its cash or negotiable securities shall give bond to the center at its expense in such amounts and with such surety as the board may prescribe. The persons required to give bond may be included in one or more blanket or scheduled bonds.

(i) Board members and officers who are not compensated employees of the center shall not be liable to the commonwealth, to the center or to any other person as a result of their activities, whether ministerial or discretionary, as such board members or officers except for willful dishonesty or intentional violations of law. Neither members of the center nor any person executing bonds or policies of insurance shall be liable personally thereon or be subject to any personal liability or accountability by reason of the issuance thereof. The board of directors may purchase liability insurance for board members, officers and employees and may indemnify said persons against claims of others.

(j) The center shall continue as long as it shall have bonds or insurance or guarantee commitments outstanding and until its existence is terminated by law. Upon the termination of the existence of the center, all right, title and interest in and to all of its assets and all of its obligations, duties, covenants, agreements and obligations shall vest in and be possessed, performed and assumed by the commonwealth.

(k) Any action of the center may take effect immediately and need not be published or posted unless otherwise provided by law. Meetings of the center shall be subject to section 11A½ of chapter 30A; but, said section 11A½ shall not apply to any meeting of members of the center serving ex officio in the exercise of their duties as officers of the commonwealth so long as no matters relating to the official business of the center are discussed and decided at the meeting. The center shall be subject to all other provisions of said chapter 30A, and records pertaining to the administration of the authority shall be subject to section 42 of chapter 30 and section 10 of chapter 66. All moneys of the center shall be considered to be public funds for purposes of chapter 12A. The operations of the center shall be subject to chapter 268A and chapter 268B and all other operational or administrative standards or requirements to the same extent as the office of the state treasurer.

(l) Any documentary materials or data whatsoever made or received by any member or employee of the center and consisting of, or to the extent that such materials or data consist of, trade secrets or commercial or financial information regarding the operation of any business conducted by an applicant for any form of assistance which the center is empowered to render or regarding the competitive position of such applicant in a particular field of endeavor, shall not be deemed public records of the center and specifically shall not be subject to the provisions of section 10 of chapter 66. Any discussion or consideration of such trade secrets or commercial or financial information may be held by the board in executive sessions closed to the public notwithstanding the provisions of section 11A½ of

chapter 30A, but the purpose of any such executive session shall be set forth in the official minutes of the center and no business which is not directly related to such purpose shall be transacted nor shall any vote be taken during such executive session.

Section 4. (a) The center shall have all powers necessary or convenient to carry out and effectuate its purposes, including, without limiting the generality of the foregoing, the powers:

(1) to adopt and amend bylaws, regulations and procedures for the governance of its affairs and the conduct of its business without regard to chapter 30A;

(2) to establish standards requiring that any grant, loan or other appropriation of funds pursuant to this chapter be subject to an intellectual property agreement between the center and the recipient person; provided said intellectual property agreements balance the opportunity for the commonwealth to benefit from the patents, royalties, and licenses with the needs to ensure that essential medical research is not unreasonably hindered by the intellectual property agreements;

(3) to adopt an official seal and a functional name;

(4) to maintain offices at places within the commonwealth as it may determine and to conduct meetings of the center in accordance with the by-laws of the authority and the second paragraph of section 59 of chapter 156B;

(5) to sue and be sued, to prosecute and defend actions relating to its properties and affairs, and to be liable in tort in the same manner as a private person; provided however, that the center is not authorized to become a debtor under the United States Bankruptcy Code;

(6) to appoint officers and employees and to engage consultants, agents and advisors;

(7) to enter into contracts and agreements and execute all instruments necessary or convenient thereto for accomplishing the purposes of this chapter; such contracts and agreements may include, without limiting the foregoing, construction agreements, purchase or acquisition agreements, loan or lease agreements, partnership agreements including limited partnership agreements, joint ventures, participation agreements, service agreements with biotechnology entities, nanotechnology entities, bio-defense entities, health care, educational or other financial institutions or intermediaries, and agreements with one or more persons for the servicing of loans made by the center including the receipt by such servicer of payments made by a user under a financing document. Any such payments shall constitute trust funds to be held and applied solely as provided in such agreement for the servicing of loans, shall constitute pledged funds of the center and shall be entitled to the same protection when received by a person for the servicing of loans, without the need for filing and recording of the servicing agreement under the provisions of chapter 106 or otherwise except in the records of the center, as is afforded to funds received by an issuer and pledged to a trustee under section 14 of chapter 40D.

(8) to acquire real and personal property, or any interest in real or personal property, by gift, purchase, transfer, foreclosure, lease or otherwise including rights or easements; to hold, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage any interest owned by it or under its control,

custody or in its possession; to release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including any equity or right of redemption in property foreclosed by it; to take assignments of leases and rentals, proceed with foreclosure actions, or take any other actions necessary or incidental to the performance of its corporate purposes;

(9) to invest any funds held in reserves or sinking funds, or the Massachusetts Life Sciences Investment Fund, or any funds not required for immediate disbursement, in such investments as may be provided in any financing document relating to the use of such funds, or, if not so provided, as the board may determine;

(10) to review and recommend changes in laws, rules, programs, and policies of the state and its agencies and subdivisions to further the enhancement of life sciences financing, infrastructure and development within the commonwealth;

(11) to appear in its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government;

(12) to obtain insurance;

(13) to apply for and accept subventions, grants, loans, advances and contributions from any source of money, property, labor or other things of value, to be held, used and applied for its corporate purposes, provided however, that the center shall not accept funding from any source, including any federal agency, if the receipt of said funding would limit the center's ability to promote all forms of biomedical research or scientific inquiry;

(14) to borrow money, issue bonds and apply the proceeds thereof as provided in section 8, in order to implement the purposes of this chapter and, without limiting the generality of the foregoing, to augment the means of securing financing authorized by law for or otherwise available to public bodies and other users;

(15) to lend money to and to acquire or hold obligations issued by public bodies or other users at such prices and in such manner as the center shall deem advisable and sell such bonds acquired or held by it at prices without relation to cost and in such manner as the center shall deem advisable and to secure its own issues of bonds with such obligations held by it, all as provided in section 8;

(16) to issue notes or bonds for any of the purposes provided in this chapter;

(17) to act as the central entity and coordinating organization of life sciences, advanced sciences, biotechnology and nanotechnology initiatives on behalf of the commonwealth. The center shall work in collaboration with governmental entities, bodies, centers, institutes, and facilities operating within the public domain and promote biotechnology, nanotechnology, stem cell research and related physical technology fields, in order to advance the commonwealth's interests and investments in biotechnology, life sciences, nano-manufacturing, bio-manufacturing, so-called, and other advanced technologies;

(18) to enter into agreements with public and private entities that deal primarily with biotechnology, nanotechnology, and related physical technology fields with preference to but not limited to stem cell research, bio-manufacturing, and nano-manufacturing, in order to distribute and provide leveraging of monies or services for the purposes of furthering scientific

research in the commonwealth, aiding in the promotion the health of residents, fostering jobs in the life sciences, and promoting overall economic growth within the commonwealth by fostering collaboration and investments in life sciences in the commonwealth;

(19) to provide and pay for such advisory services and technical assistance as may be necessary or desired to carry out the purposes of this chapter;

(20) to establish and collect such fees and charges as the center without further appropriation shall determine to be reasonable; and to receive and apply revenues from fees and charges to the purposes of the Center or allotment by the commonwealth or any political subdivision thereof;

(21) to make loans to any person for the acquisition, construction, alteration, or any combination thereof, or other financing of a project, including but not limited to loans to lending institutions under terms and conditions requiring the proceeds of such loans to be used by such lending institutions for the making of loans to users for qualified projects;

(22) to disburse, appropriate, grant, loan or allocate funds for the purposes of investing in life sciences, emerging technologies, stem cell research, biotechnology, nanotechnology, bio-defense and advanced sciences as directed in this chapter;

(23) to provide assistance to local entities, local authorities, public bodies and private corporations for the purposes of maximizing opportunities for the expansion of life sciences and advanced technologies in the commonwealth and attracting new life sciences entities and advanced technology investments to Massachusetts, fostering new innovative research applications to the commonwealth and creating new manufacturing and development initiatives in the commonwealth;

(24) to prepare, publish and distribute, with or without charge, as the center may determine, such studies, reports and bulletins and other material as the Center deems appropriate;

(25) to exercise any other powers of a corporation organized under chapter 156B; and

(26) to engage accountants, architects, attorneys, engineers, planners, real estate experts and other consultants as may be necessary in its judgment to carry out the purposes of this act and fix their compensation;

(27) to take any actions necessary or convenient to the exercise of any power or the discharge of any duty provided for by this act;

(28) enter into agreements or other transactions with any person, including without limitation any public entity or other governmental instrumentality or agency in connection with its powers and duties under this chapter;

(29) to institute and administer the Massachusetts Life Sciences Investment Fund, established pursuant to section 5 for the purposes of making appropriations, allocations, grants or loans to leverage development and investments in stem cell research, pursuant to chapter 111L, biotechnology, nano-manufacturing, advanced sciences, facilities of higher education whose work and mission applies directly to the aforementioned applications and industries, including, but not limited to, health care, advanced medical technologies and related areas. The center shall implement an application and grant process for these purposes.

Section 5. (a) There is hereby established and placed within the corporation a fund to be known as the Massachusetts Life Sciences Investment Fund, hereinafter referred to as the fund, to be held by the corporation separate and apart from its other funds, to finance the activities of the Massachusetts Life Sciences Center established pursuant to section 3, hereinafter referred to as the center. The fund shall be credited any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto, such additional funds as are subject to the direction and control of the center, any pension funds, federal grants or loans, royalties or private investment capital which may properly be applied in furtherance of the objectives of the fund, any proceeds from the sale of qualified investments secured or held by the fund, any fees and charges imposed relative to the making of qualified investments, as the same shall be defined by the center created pursuant to section 3, secured or held by the fund, and any other monies which may be available to the center for the purposes of the fund from any other source or sources. Any revenues, deposits, receipts, or funds received through the receipt of royalties, dividends, or the sale of equity instruments, inclusive, shall be deposited in the fund, and shall be available expressly to the life sciences center established pursuant to 3 for the purposes described in this section, without further appropriation.

(b) The center shall invest and reinvest the fund and the income thereof, except as hereinafter provided, only as follows: (1) in the making of qualified investments approved by the board, pursuant to rules approved by the board; (2) in defraying the ordinary and necessary expenses of administration and operation associated with the center; provided, however, that said administrative and operational expenses shall not exceed 15 per cent of the total assets of the fund in any one fiscal year; (3) in the investment of any funds not required for immediate disbursement in the purchase of such securities as may be lawful investments for fiduciaries in the commonwealth; (4) for the payment of binding obligations associated with such qualified investments which are secured by the fund as the same become payable; and (5) for the payment of principal or interest on qualified investments secured by the fund or the payment of any redemption premium required to be paid when such qualified investments are redeemed prior to maturity; provided, however, that monies in the fund shall not be withdrawn at any time in such an amount as would reduce the amount of the fund to less than the minimum requirement thereof established by the center, except for the purpose of paying binding obligations associated with qualified investments which are secured by the fund as the same become payable.

(c) The fund shall be held and applied by the center, subject to the approval of the board, to make qualified investments designed to advance the following public purposes: (1) to stimulate increased financing for the expansion of research and development in the areas of life sciences, nano-technology, biotechnology and stem cell research in the commonwealth by leveraging private financing for highly, productive state-of-the-art research and development facilities and by providing financing related thereto including, without limitation, financing of the construction or expansion of such new facilities; (2) to make targeted investments in the areas of life sciences, nano-technology, biotechnology and stem

cell research and to spur manufacturing activities for new or existing advanced technologies and life sciences in the commonwealth; (3) to make matching grants to universities, colleges, public instrumentalities, companies and other entities to induce the federal government, industry and other grant-funding sources to fund the expansion of research and development in the areas of life sciences, nano-technology, biotechnology and stem cell research in the commonwealth, and to thereby serve to increase and strengthen the commercial and industrial base of the commonwealth and the economic development and employment opportunities related thereto; and (4) to provide bridge financing to universities, colleges, public instrumentalities, companies and other entities in anticipation of the receipt of grants of the type described in clause (2) awarded or to be awarded by the federal government, industry or other sources.

The center shall make no such qualified investment pursuant to clause (1) of subsection (b) unless: (i) said investment has been approved by a majority vote of the board; and (ii) the center finds that, to the extent possible, said qualified investment is such that a definite benefit to the economy of the commonwealth may reasonably be expected therefrom; provided, further, that, in evaluating any request or application for funding, the Center shall consider the following: (1) the appropriateness of any proposed project; (2) whether the project has significant potential to expand life sciences related employment opportunities in the commonwealth; (3) the project's potential to enhance technological advancements in the life sciences; (4) the project's potential to offer a breakthrough medical treatment for a particular disease, or medical condition; (5) the project's potential for leveraging additional funding, or attracting resources to the commonwealth; (6) the project's potential to stimulate life sciences manufacturing in the commonwealth; and (7) evidence of potential royalty income and contractual means to recapture such income for the purposes of this chapter, as the center considers appropriate. In addition, the center shall make no such qualified investment pursuant to said clause (1) of said subsection (b) unless such qualified investment is in conformity with rules adopted by the Center and approved by the board.

Said rules shall also set the terms and conditions for investments which are to constitute qualified investments, which may include, without limitation, loans, guarantees, loan insurance or reinsurance, equity investments, grants made only pursuant to clause (3) of subsection (c), or other financing or credit enhancing devices, as made by the center directly or on its own behalf or in conjunction with other public instrumentalities, or private institutions, or the federal government; provided further, that said rules and regulations shall provide that each such qualified investment made pursuant to clauses (1) and (2) of said subsection (c) shall involve a transaction with the participation of at least one at-risk private party.

Said rules shall, in addition, set forth the terms, procedures, standards and conditions which the center shall employ to identify qualified applications, process applications, make investment determinations, safeguard the fund, advance the objective of increasing employment opportunities for the citizens of the commonwealth, oversee the progress of qualified investments, and secure the participation of other public instrumentalities, private

institutions, or the federal government in such qualified investments; provided, further that said rules shall provide for negotiated intellectual property agreements between the center and each recipient of a qualified investment which shall include the terms and conditions by which the fund's support thereof could be reduced or withdrawn.

(d) The center may solicit investments by private institutions or investors in the activities of the fund and may reach agreements with such private institutions or investors regarding the terms of any such investments including, without limitation, the rights of such investors to participate in the income or appropriation of the fund. In furtherance of the objective of securing investments by private institutions or investors in the activities of the fund as set forth in the preceding sentence, the center may develop a proposal relative to the creation of a separate investment entity which would allow for the commingling of the resources of the fund with the maximum participation by such private institutions or investors in a manner which is consistent with the public purpose of the fund and under terms and conditions calculated to protect and preserve the assets of the fund.

(e) Copies of the approved rules, and any modifications thereto, shall be submitted to the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, the chairs of the joint committee telecommunication, utilities and energy and the clerks of the house of representatives and senate.

(f) Qualified investment transactions undertaken by the Center pursuant to the provisions of this section shall not, except as specified in this act, be subject to the provisions of chapter 175, or any successor thereto, and shall be payable solely from the Massachusetts Life Sciences Investment Fund, established by this section and shall not constitute a debt or pledge of the faith and credit of the commonwealth, the Center or any subdivision of the commonwealth.

(g) The center shall not at any time make expenditure from or commitment of the assets of the fund, including, without limitation, the making of qualified investments secured by the fund, if following the making of said qualified investment, the amount of the fund shall be less than the minimum requirement established by the board.

Section 6. (a) The exercise of the powers granted by this chapter shall be in all respects for the benefit of the people of the commonwealth and for the improvement of their health and living conditions and as the operation and of the center shall constitute the performance of essential governmental functions, the center shall not be required to pay any taxes or assessments, except as otherwise provided by this chapter and the notes or bonds issued under this chapter, their transfer and the income therefrom, including any profit made on the sale thereof, at all times shall be free from taxation by and within the commonwealth.

(b) The lands and tangible personal property of the center shall be deemed to be public property used for essential public and governmental purposes and shall be exempt from taxation and from betterments and special assessments.

Section 7. The center shall annually submit to the governor, the chair of the senate

committee on ways and means, the chair of the house committee on ways and means, the chairs of the joint committee on economic development and emerging technologies, the secretary of administration and finance, and the comptroller within 90 days after the end of its fiscal year a complete and detailed report setting forth its operations and accomplishments; its receipts and expenditures during such fiscal year; and, its assets and liabilities at the end of its fiscal year.

Section 8. The books and records of the center shall be subject to a biennial audit by the auditor of the commonwealth.

SECTION 25. Section 3 of chapter 25A of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Energy management services" the following definition:-

"Incremental new hydroelectric generation", the percentage increase in average annual electricity production attributable to efficiency improvements or additions to capacity placed in service at a hydroelectric facility after December 31, 1997, as certified by the division relative to the historical generation for each eligible hydroelectric facility; provided, however, that historical generation for each eligible hydroelectric facility shall be calculated by the division based on the average electricity generated annually by facility during the 10 years prior to the capacity addition or efficiency improvement, or the life of the facility, whichever is shorter. In no event shall an energy generation which would have existed in the absence of the efficiency improvements or additions to capacity be considered incremental new hydroelectric generation for the purposes of this chapter.

SECTION 26. Said section 3 of said chapter 25A, as so appearing, is hereby further amended by inserting after the definition of "Reseller" the following definition:-

"Vintage hydro-electric generation unit", a hydro-electric generation unit that began operation prior to January 1, 1998.

SECTION 27. Subsection (b) of section 11F of said chapter 25A, as so appearing, is hereby amended by striking out clause (vii) and inserting in place thereof the following clause:- (vii) naturally flowing water and run-of-the-river vintage hydroelectric generation units located in the commonwealth, operating under the jurisdiction of the Federal Energy Regulatory Commission, with a generating capacity of not more than 5 megawatts and not utilizing a dam constructed after December 31, 1997 and incremental new hydroelectric generation resulting from increased capacity or efficiency at a hydroelectric facility which does not involve pumped storage of water or any new impoundment or diversion of water, and where such facility meets the requirements for classification as low impact hydropower as certified by the Low Impact Hydropower Institute or as certified by the division in accordance with comparable environmental certification standards;.

SECTION 28. Said section 11F of said chapter 25A, as so appearing, is hereby further amended by striking out, in line 33, the words "clauses (vi) and (vii) herein" and inserting in places thereof the following words:— clause (vi); provided, further, that notwithstanding the provisions of subsection (a) the division shall annually determine the actual percentage of kilowatts generated in the commonwealth by naturally flowing water and run-

of-the-river vintage hydroelectric generation units and adjust the minimum percentage of kilowatt hours sales to end use customers in the commonwealth by a percentage not to exceed the percentage of kilowatts generated in the commonwealth by naturally flowing water and run-of-the-river vintage hydroelectric generation units.

SECTION 29. Section 1 of chapter 29 of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Consolidated net surplus in the budgetary funds" the following definition:—

"Council", the Robert H. Goddard Council on Science, Technology, Engineering and Mathematics Education established pursuant to section 4A of chapter 15A.

SECTION 30. Said chapter 29 is hereby further amended by striking out section 2MMM, as so appearing, and inserting in place thereof the following section:—

Section 2MMM. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Massachusetts Science, Technology Engineering, and Mathematics Grant Fund, hereinafter referred to as the Pipeline Fund, to which shall be credited any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto, and any additional funds designated by the corporation for deposit into the Pipeline Fund, including any pension funds, federal grants or loans, or private donations made available to the chancellor of higher education for deposit into the fund. The board of higher education shall hold the Pipeline Fund in an account or accounts separate from other funds or accounts. Amounts credited to the Pipeline Fund shall be used by the chancellor of higher education, in consultation with the Massachusetts Development Finance Agency, the Massachusetts Technology Park Corporation and the Robert H. Goddard Council on Science, Technology Engineering, and Mathematics Education, established pursuant to section 4A of chapter 15A.

(b) The public purpose of the Pipeline Fund shall be to increase the number of students who participate in programs that support careers in fields related to science, technology, engineering and mathematics. In furtherance of this public purpose, and in a manner consistent with the recommendations of the council, the chancellor of higher education, in consultation with the commissioner of education and the president of the University of Massachusetts, shall employ the Pipeline Fund through grants and other disbursements and activities that are calculated to increase the number of qualified science, technology, engineering and mathematics teachers and to improve the science, technology, engineering and mathematics educational offerings available in public and private schools. The grants and other disbursements and activities may involve, without limitation, the University of Massachusetts, state and community colleges, business and industry partnerships, workforce investment boards, private colleges and universities, and public and private school districts to further the purposes of the Pipeline Fund. The grants and other disbursements and activities may support, without limitation: (i) the development and use of innovative curricula, courses and programs in science, technology, engineering and mathematics for new teachers and in-service teachers that provide appropriate science, technology, engineering and mathematics content, and instruction in innovative ways to teach

science, technology, engineering and mathematics including, but not limited to, the use of hands on, experimental learning and e-learning, that are consistent with the Massachusetts standards and curriculum frameworks established pursuant to sections 1D and 1E of chapter 69; (ii) the development of a science, technology, engineering and mathematics network to create, implement, share and make broadly and publicly available the best practices and innovative programs relative to science, technology, engineering and mathematics instruction and expanding and maintaining student interest in science, technology, engineering and mathematics studies and careers; (iii) effective ways to teach science, technology, engineering and mathematics; (iv) give priority to grants that provide effective course and curricula for in-service teachers in low income schools or school districts; and (v) summer programs for high school students, with appropriate stipends, that would allow interested and motivated students to intern in private or nonprofit corporations or in public programs that are in a position to further their interest, knowledge and experience in these fields; provided, that priority for the summer programs shall be given to students in groups that are presently underrepresented in these fields including, but not limited to, persons of color, women, and those whose native language is not English; provided further, that not more than 20 per cent of the fund shall be awarded to any 1 single institution and not more than 5 per cent of the fund shall be expended pursuant to clause (v).

(c) There shall be under Commonwealth Medicine at the University of Massachusetts medical school and the department of education's office for mathematics, science and technology engineering, the Massachusetts Academy for Life Sciences. The Massachusetts Academy for Life Sciences, subject to appropriation from the Pipeline Fund, shall establish a program which shall consist of mobile science labs with 1 mobile lab assigned and designated for each of the following 5 regions: western Massachusetts, central Massachusetts, metropolitan Boston, northeastern Massachusetts and southeastern Massachusetts. The mission of the Massachusetts Academy for Life Sciences shall be to encourage students to consider careers in life sciences and healthcare by participating in enhanced science courses through the use of the mobilelabs.

(d) The board of higher education shall, in consultation with the council, promulgate policies, rules and regulations for the administration and implementation of subsections (a) and (b). The chancellor of higher education shall file any policies, rules and regulations with the joint committee on education, the joint committee on higher education, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development for review and comment at least 30 days before the effective date of the policies, rules or regulations.

(e) The chancellor of higher education shall file a quarterly report with the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, the joint committee on education, and the joint committee on higher education on the following: (i) a list of grant recipients, (ii) the associated grant amounts, (iii) the amounts of non-state funding leveraged as a result of the grants, (iv) the purposes of the grants, (v) an annual statement

of cash inflows and outflows detailing the sources and uses of funds, (vi) a forecast of future payments based on current binding obligations, and (vii) a detailed breakdown of the purposes and amounts of administrative costs charged to the fund.

SECTION 31. Said chapter 29 is hereby further amended by inserting after section 2RRR the following 5 sections:—

Section 2SSS. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Educational Rewards Grant Program Fund, hereinafter referred to as the fund. The fund shall provide grants to students in accredited post-secondary certificate or vocational technology programs or associate degree programs in targeted high-demand occupations. The department of workforce development and the board of higher education in consultation with the Massachusetts Workforce Board Association, the state workforce investment board, the reach higher initiative and the workforce accountability task force established pursuant to section 11 of chapter 23H shall determine the eligible high demand occupations. If a Bachelor's degree program is needed for a profession in critical demand, it may be added to the eligible programs. Of the appropriation for grants, up to ⅓ may be used for students enrolled as full-time students and at least ⅔ of the total grant amount shall be reserved for students enrolled ½ time or less. Grant recipients shall be limited to dislocated workers or those with incomes at or below 200 per cent of the federal poverty level or other standards or criteria as may be established by the department and the board in consultation with the workforce accountability task force established pursuant to section 11 of chapter 23H. Grants from the program fund shall be a maximum of $3,000 and shall be used to fund tuition, fees and books; provided, however, that up to 30 per cent of the grant amount may be applied to fund living expenses. The grant program shall serve as a last resort, after other federal and state grants have been exhausted. The department of workforce development and the board of higher education shall jointly administer the grant program.

Section 2TTT. (a) There is hereby established and set up on the books of the commonwealth a separate fund known as the CITI Fund for the continuation of the Commonwealth Information Technology Initiative, or CITI, statewide. The University of Massachusetts shall hold the CITI Fund in an account or accounts separate from other funds or accounts. Amounts credited to the CITI Fund shall be used by the President of the University of Massachusetts or his designee, in accordance with subsection (b) and in consultation with the advisory board established in subsection (d).

(b) The public purpose of the CITI Fund shall be to provide funding for a collaborative approach to information technology education through a series of open competitions for grants to K-20 educational institutions in the areas of: (1) educator development - to ensure that K-20 faculty in all public higher education institutions and elementary and secondary schools have the skills to teach courses that meet industry's current and future information technology needs; (2) curriculum enhancement - to update existing courses and programs of computer science, management information systems and computer engineering in public higher education and to update academic discipline courses

to facilitate the acquisition of knowledge through the understanding and application of information technology in the K-12 level; (3) IT across the curriculum - to implement the integration of information technology education into all aspects of non-technical disciplines and areas of study; and (4) regional cooperation - create geographically-based alliances among schools and industry to leverage faculty, courses and other resources for information technology education.

(c) The president of the University of Massachusetts shall, no later than July 1, annually report to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, the joint committee on education and the joint committee on higher education. The report shall include: (i) a list of grant recipients; (ii) the associated grant amounts; (iii) the amounts of nonstate funding leveraged as a result of the grants, including in-kind and other non-cash contributions; (iv) the purposes of the grants; (v) an annual statement of cash inflows and outflows detailing the sources and uses of funds; (vi) a forecast of future payments based on current binding obligations; and (vii) a detailed breakdown of the purposes and amounts of administrative costs charged to the fund.

(d) There shall be an advisory board for the CITI Fund which shall consist of 12 members, 8 of whom shall be appointed by the governor – of which at least 2 shall be employed by a public institution of higher education in the commonwealth, at least 2 shall be employed at a public school for grades K-12 and at least 2 shall be employed by a corporation based in the commonwealth. One member shall be appointed by the speaker of the house, 1 member shall be appointed by the minority leader of the house of representatives, 1 member shall be appointed by the president of the senate and 1 member shall be appointed by the minority leader of the senate. The advisory board shall meet at least quarterly or when called by the president of the University of Massachusetts.

Section 2UUU. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Massachusetts Board of Higher Education Scholar-Internship Match Fund, hereafter referred to as the Scholar/Internship Match Fund. The board of higher education shall hold the Scholar-Internship Match fund in an account separate from other funds or accounts. Amounts credited to the Scholarship/Internship Match Fund shall be used by the chancellor of higher education or her designee, in accordance with the purpose set forth in this section and in consultation with participating industry and public higher education institutions. An amount not to exceed $100,000 shall be spent each year to promote the existence of the Scholar-Internship Match Fund with the goal of attracting and maximizing industry participation.

(b) The public purpose of the Scholar-Internship Match Fund shall be to provide a match for industry scholarships given to Massachusetts students going on to study for a post-secondary degrees at Massachusetts public higher education institutions. The amount to be matched through the Scholar-Internship Match Fund shall not exceed $5,000 per student, contingent upon receiving a corresponding industry scholarship or internship of up to the same amount.

(c) The chancellor of higher education shall, not later than July 1, annually report to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, the joint committee on education and the joint committee on higher education. The report shall include: (i) a list of matching scholarship recipients; (ii) the associated match amount; (iii) the amounts of non-state funding as a result of the match; (iv) the purposes of the match; (v) whether there was an internship associated with the industry match; (vi) an annual statement of cash inflows and outflows detailing the sources and uses of funds; (vii) a forecast of future payments based on current binding obligations; and (viii) a detailed account of the purposes and amount of administrative costs charged to the fund. The chancellor shall include in annual report a detailed 5 year legislative review of the Scholar-Internship Match Fund for consideration for recapitalization.

Section 2VVV. (a) There shall be established and set upon the books of the commonwealth a separate fund to be known as the international education and foreign language grant program fund, hereinafter referred to as the international education fund, to which shall be credited any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto and additional funds designated for deposit to the international education fund, including any pension funds, federal grants or loans, or private donations made available to the commissioner of education for such purpose. The Commissioner of Education shall hold the international education fund in an account or accounts separate from other funds or accounts. Amounts credited to the international education fund shall be used by the commissioner of education, in consultation with the chairman of the board of higher education, and the global education advisory council to carry out the purposes of subsection (b).

(b) The public purpose of the international education fund shall be to increase the number of Massachusetts students, teachers, administrators and education policymakers participating in international studies, international exchange programs, and other activities that advance cultural awareness and promote mutual understanding and respect for citizens of other countries. In furtherance of this public purpose and in consultation with the chairman of the board of higher education and the global education advisory council, the Commissioner of Education shall employ the international education fund in support of programs and activities that advance cultural awareness, including the awarding of grants to local or regional school districts that use the funds to support international education programs and promote the study of foreign languages, including programs that establish foreign language and two-way bi-lingual education classes, teacher training, and curriculum development to encourage students, teachers, administrators and educational policy makers to participate in international studies, international exchange programs and other activities.

Section 2WWW. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Workforce Competitiveness Trust Fund, hereinafter called the fund. The fund shall be administered by the department of workforce

development which shall contract with the Commonwealth Corporation to administer the fund. The objectives of the fund shall include, but shall not be limited to, the following: supporting, in conjunction with other private, public and philanthropic resources, the development and implementation of employer and worker responsive programs to enhance worker skills, incomes, productivity and retention and to increase the quality and competitiveness of Massachusetts firms; training and helping the unemployed find suitable employment; improving employment opportunities for low-income individuals and low wage workers; improving wages to a level sufficient to support a family or to place individuals on a career path leading to such employment and wages; training vulnerable youths to master basic academic skills, including the attainment of a high school degree and encouraging students to advance educationally and receive post-secondary degrees at colleges or post-secondary vocational schools or beyond; developing occupational skills and becoming employed in jobs that have career potential; and training older workers for new occupations. The department shall utilize these projects to improve the workforce development system by integrating employer and worker needs more fully into program design and delivery. The department shall support, through grants, partnership programs and planning, grant applications from the following eligible applicants to provide an integrated continuum of education and training: employers and employer associations; local workforce investment boards; labor organizations; community-based organizations, including adult basic education providers; institutions of higher education; vocational education institutions; one-stop career centers; local workforce development entities; and nonprofit education, training or other service providers. The fund shall leverage employer, public, philanthropic and other contributions and shall be available as a state match for federal funds that meet the requirements of the fund. The fund shall be an expendable trust fund and not subject to appropriation. Grants from the fund shall be offered on a competitive basis for a maximum of 3 years and shall not exceed $500,000.

(b) The director of workforce development shall appoint an advisory committee to represent significant constituencies and beneficiaries of the fund including, but not limited to, high growth or critical industries; the workforce development system; public education; adult basic education; the department of transitional assistance; public higher education; labor; community-based organizations and nonprofit education, training or other service providers; and advocates of customer populations, including representatives of education, training and the one-stop career center provider coalitions, including a minimum of 2 labor representatives selected by the President of the Massachusetts AFL-CIO and 2 representatives of the Massachusetts Workforce Board Association. The director shall serve as chair of the committee. The committee shall supply constituent focused labor market information, review general programmatic parameters and guidelines, assist with the identification of issues and barriers to the fund's efficiency and effectiveness and the dissemination of relevant information about the fund and support the general oversight of the fund's implementation. The committee shall meet from time to time, but not less frequently than quarterly.

(c) The Commonwealth Corporation shall be the administrator of the fund and shall maintain the fund as a separate fund and shall cause it to be audited by an independent accountant on an annual basis in accordance with generally-accepted accounting principles.

(d) There shall be credited to the fund any revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund, and any gifts, grants, private contributions, investment income earned on the fund's assets and all other sources. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(e) Partnership programs may include costs for support services including, but not limited to, transportation and childcare, to eliminate barriers to participation in the training program. For any unionized employer participating as a partner in a grant application, the impacted union shall be an active participant in the design and implementation of the grant.

(f) A competitive grant program shall be established that provides support to partnerships and eligible applicants as described above, and that leverages applicant co-investment of at least 30 per cent of the grant amount from employers, philanthropic and public or private organizations. The period of grant operations may be up to 3 years in duration. Grants may be targeted to specific populations, such as educationally or economically disadvantaged youth, low-income, low-skilled and low-wage workers, disabled citizens or industries that are deemed to be of critical consequence to the commonwealth. Special grant programs and funding allocations shall be determined by the committee and shall be distributed by a regionally-based competitive bid process, which shall require the defining of economic regions based on labor market factors as determined by the committee. Each municipality shall be accounted for in a designated region. A formula for regional distribution shall be created and competition for formula grant funds shall occur within each identified region and shall be subject to the rules and regulations established by the committee in consultation with regional partners. Respondents to the local competitions shall notify, in writing, the region's workforce investment board of their intent to respond to the request for proposals. A planning grant may be offered to define employer needs; to make necessary curriculum and other programmatic improvements to align with employer and worker needs; to determine the feasibility of a proposed workforce development intervention; to plan for and coordinate strong partnerships among stakeholders; to identify educational and skill needs of workers and program participants; to link training initiatives with employer-based career ladders; and to develop case management and additional support services that would address barriers to participation.

(g) A portion of the grant fund shall be used to support the current and future labor force needs of the healthcare industry. This portion of the fund shall support projects that address barriers and gaps in the healthcare workforce development pipeline. Small planning and needs assessment grants may be offered. A project grant program shall be designed by Commonwealth Corporation in consultation with a Healthcare subcommittee of the fund committee, which shall include, at a minimum, appointments made by the following organi-

zations: the Massachusetts Hospital Association; the Massachusetts Extended Care Federation; the Home and Health Care Association of Massachusetts; the Massachusetts Workforce Board Association; and the Massachusetts AFL-CIO, as well as representatives of the other mandatory advisory committee constituencies.

(h) A portion of the grant fund shall be used to support the current and future labor force needs of the travel and tourism industry. This portion of the grant fund shall be used to support the development of career ladder and wage improvement strategies, including employee ownership and profit-sharing strategies, within the travel and tourism industry. Small planning and needs assessment grants may be offered. A project grant program shall be designed by Commonwealth Corporation in consultation with the travel and tourism advisory committee, which shall include the primary industry associations that represent the industry in the commonwealth or, in their absence, a cohort of relevant industry employers, as well as representatives of the other mandatory advisory committee constituencies.

(i) Project grants shall be for a maximum of 3 years, shall be competitively based and shall not exceed $500,000. The committee shall determine how to apportion the grant fund between the healthcare industry, the travel and tourism industry and the general grant program; provided, however, that not more than 7.5 per cent of the funds appropriated in this subsection may be expended for the administration of each grant.

(j) The director of workforce development shall annually, not later than December 31, report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on community development and small business, the joint committee on education, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development and the joint committee on public health on the status of grants awarded under this section, including the number of educational and eligible service providers receiving grants; the number of participants receiving services; the number of participants placed in employment; the salary and benefits that participants receive after placement; the cost per participant; and job retention or promotion rates 1 year after training ends.

(k) The establishment of the Workforce Competitiveness Trust Fund, or any other worker training fund, shall not be determined to replace, displace or serve as a substitute for the Workforce Training Fund established in section 2RR.

SECTION 32. Section 4 of chapter 30B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "to", in line 1, the following words:- this section and.

SECTION 33. Said section 4 of said chapter 30B, as so appearing, is hereby further amended by adding the following subsection:—

(d) A procurement officer may award a contract valued at less than $25,000 for the procurement of products of agriculture as defined in section 1A of chapter 128 including, but not limited to, fruits, vegetables, eggs, dairy products, meats, crops, horticultural products and products processed into value added products as part of a Massachusetts farm operation,

that are grown or produced using products grown in the commonwealth as well as fish, seafood and other aquatic products, without seeking quotations as required under subsection (a), and the officer shall follow generally accepted business practices.

SECTION 34. Said chapter 30B is hereby further amended by adding the following section:—

Section 20. (a) Notwithstanding any general or special law to the contrary and to the extent permitted by federal law, a governmental body may, by a majority vote, establish a preference for products of agriculture as defined in section 1A of chapter 128 including, but not limited to, fruits, vegetables, eggs, dairy products, meats, crops, horticultural products and products processed into value added products as part of a Massachusetts farm operation as well as fish, seafood, and other aquatic products.

(b) Wherever a governmental body by a majority vote establishes a preference for the procurement of such products of agriculture grown or produced using products grown in the commonwealth, the procurement officer responsible for procuring agricultural products on behalf of the governmental body shall effectuate such preference in: (i) advertising for bids, contracts or otherwise and making reasonable efforts to facilitate the purchase of such products of agriculture grown or produced using products grown in the commonwealth; and (ii) purchasing products of agriculture grown or produced using products grown in the commonwealth, unless the price of such goods exceeds, by more than 10 per cent, the price of agricultural products grown or produced outside of the commonwealth.

SECTION 35. Chapter 40 of the General Laws is hereby amended by inserting after section 60 the following section:

Section 60A. (a) Notwithstanding any general or special law to the contrary, a city or town, by vote of its town meeting, town council or city council, with the approval of the mayor where required by law, on its own behalf or in conjunction with 1 or more cities or towns and pursuant to regulations issued by the director of workforce development and in consultation with the department of economic development, may adopt and implement a manufacturing workforce training tax increment financing plan, referred to as a MWT-TIF plan in this section, intended to encourage increased commercial growth of manufacturing facilities that have been located in such city or town for not less than 2 years. Any such MWT-TIF plan shall:

(i) designate 1 or more areas of such city or town as a manufacturing workforce training tax increment financing zone, referred to as a MWT-TIF zone in section, subject to the approval of the department of workforce development under regulations adopted by said department consistent with this section. Any MWT-TIF plan adopted by more than 1 city or town shall be contiguous areas of such cities or towns;

(ii) describe in detail all training, retraining and workforce repositioning contemplated for such MWT-TIF zone as of the date of adoption of the MWT-TIF plan that shall be eligible for the MWT-TIF;

(iii) authorize tax increment exemptions from property taxes, in accordance with clause Fifty-first of section 5 of chapter 59, for a specified term not to exceed 20 years, for

any parcel of real property which is located in the MWT-TIF zone and for which an agreement has been executed with the owner thereof in accordance with paragraph (iv). The MWT-TIF plan shall specify the level of exemptions expressed as an exemption percentage, not to exceed 100 per cent, to be used in calculating the exemption under said clause Fifty-first of said section 5 of said chapter 59. Such exemptions shall be calculated for each parcel as provided in said clause Fifty-first of said section 5 of said chapter 59 using an adjustment factor for each fiscal year of the specified term equal to the product of the inflation factors for each fiscal year since the parcel first became eligible for such exemption pursuant to this paragraph. The inflation factor for each fiscal year shall be a ratio:

(a) the numerator of which shall be the total assessed value of all parcels of all commercial and industrial real estate that is assessed at full and fair cash value for the current fiscal year minus the new growth adjustment for the current fiscal year attributable to the commercial and industrial real estate as determined by the commissioner of revenue under paragraph (f) of section 21C of said chapter 59; and

(b) the denominator of which shall be the total assessed value for the preceding fiscal year of all the parcels included in the numerator, except that such ratio shall not be less than 1;

(iv) include executed agreements between such city or town and each eligible owner of a parcel of real property which is located in a MWT-TIF zone. Each such agreement shall include the following: (1) all material representations of the parties which served as a basis for the descriptions contained in the MWT-TIF plan in accordance with paragraph (ii) and which served as a basis for the granting of a MWT-TIF exemption; (2) any terms considered appropriate by the city or town relative to compliance with the MWT-TIF agreement including, but not limited to, that which shall constitute a default by the property owner and the remedies that shall be instituted between the parties for any such defaults, including an early termination of the agreement; (3) provisions requiring that 75 per cent of the eligible workforce shall receive training that is designed to retain employment in such city or town; (4) a detailed recitation of all other benefits and responsibilities inuring to and assumed by the parties to such agreement; and (5) a provision that such agreement shall be binding upon subsequent owners of such parcel of real property;

(v) delegate to 1 board, agency or officer of the city or town the authority to execute agreements in accordance with clause (iv); and

(vi) be certified as an approved MWT-TIF plan by the economic assistance coordinating council established by section 3B of chapter 23A pursuant to regulations adopted by said council if the council finds, based on the information submitted in support of the MWT-TIF plan by the city or town and such additional investigation as the council shall make, and incorporate in its minutes, that the plan is consistent with the requirements of this section and shall further the public purpose of retaining or encouraging increased industrial and commercial manufacturing activity in the commonwealth. A city or town may at any time revoke its designation of a TIF zone and, as a consequence of such revocation, shall immediately cease the execution of any additional agreements pursuant to paragraph

(iv). The board, agency or officer of the city or town authorized pursuant to paragraph (v) to execute agreements shall forward to the board of assessors a copy of each such agreement, together with a list of the parcels included therein. An executed and approved MWT-TIF shall be recorded in the registry of deeds or the registry district of the land court for the county wherein such land lies.

SECTION 36. Section 3 of chapter 40A of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

No zoning ordinance or by-law shall regulate or restrict the use of materials, or methods of construction of structures regulated by the state building code, nor shall any such ordinance or by-law prohibit, unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, nor prohibit, unreasonably regulate or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products, provided that either during the months of June, July, August and September of every year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 per cent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 per cent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located, and at least an additional 50 per cent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land, other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, except that all such activities may be limited to parcels of 5 acres or more in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture. For such purposes, land divided by a public or private way or a waterway shall be construed as 1 parcel. No zoning ordinance or bylaw shall exempt land or structures from flood plain or wetlands regulations established pursuant to general law. For the purposes of this section, the term "agriculture" shall be as defined in section 1A of chapter 128, and the term horticulture shall include the growing and keeping of nursery stock and the sale thereof. Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises.

SECTION 37. Section 4E of chapter 40J of the General Laws, as so appearing, is hereby amended by inserting after the word "paragraph (2)", in line 142, the following words:- ; provided, further, that board may make grants from the fund, not to exceed a total of $4,000,000 annually, in support of Massachusetts-based public and private enterprises developing new technologies to significantly increase the efficiency of the internal combustion

engine.

SECTION 38. Section 4F of said chapter 40J, as so appearing, is hereby amended by striking out subsection (b).

SECTION 39. Paragraph (a) of section 6A of said chapter 40J, as so appearing, is hereby amended by inserting after the tenth sentence the following sentence:- The institute may make grants, not to exceed a total of $4,000,000 annually, in support of Massachusetts-based public and private enterprises developing new technologies to significantly increase the efficiency of the internal combustion engine.

SECTION 40. Said chapter 40J is hereby further amended by inserting after section 6A the following 2 sections:-

Section 6B. (a) The corporation shall establish a council for wireless internet, cellular and broadband development, to be known as the wireless and broadband development council. The executive director of the John Adams Innovation Institute, established pursuant to section 6A, shall serve without additional compensation as the executive director of the council. The purpose of the council shall be to serve as an agent of the commonwealth to create and maintain a more favorable and responsive environment in the commonwealth for the development of wireless internet, cellular and broadband infrastructure. The council shall seek to promote access to high speed internet connectivity and telecommunications across the commonwealth, with a special interest in enhancing and increasing wireless internet, cellular and broadband coverage in underserved communities, to promote economic development, meet the commonwealth's homeland security and emergency preparedness needs, improve government efficiency, and improve the quality of life for the commonwealth's residents. The council shall be comprised of 13 members, 1 of whom shall be the director of wireless and broadband development within the Massachusetts office of business development; 1 of whom shall be the secretary of economic affairs; 1 of whom shall be the chairman of the commonwealth development council; 1 of whom shall be the chairman of the department of telecommunications and energy; 1 of whom shall be designated by the Franklin-Hampshire Connect; 1 of whom shall be designated by the Berkshire Connect; 1 of whom shall be designated by the Massachusetts Association of Regional Planning Agencies; 1 of whom shall be designated by the Massachusetts Municipal Association; and 5 of whom shall be appointed by the governor, 1 of whom shall be a representative from the telecommunications industry; 1 of whom shall be a representative from the cable television telecommunications industry; 1 of whom shall be a representative of a small-to-medium sized local exchange carrier; 1 of whom shall have expertise in state and federal law concerning telecommunications technology; and 1 of whom shall be a member of the public. The council shall develop and recommend strategies to achieve the rollout of universal wireless internet, cellular and broadband coverage to every municipality in the commonwealth in a manner consistent with the duties of the director of wireless and broadband development established pursuant to section 3 of chapter 23A. The council shall: (i) identify appropriate technologies and strategies to ensure wireless and broadband internet service into underserved communities; (ii) investigate new technologies in order to maintain

the commonwealth's position as a leader in the adoption of telecommunications technology; (iii) facilitate the development of private, joint public-private or public initiatives which afford open, competitive, content neutral services accessible via multiple carriers; (iv) assist the director of wireless and broadband development, in taking other action considered necessary to fulfill the goal of ensuring that the commonwealth remains a leader in the wireless and high-speed connectivity marketplace choice in all communities, including those currently underserved. In effectuating his duties pursuant to this section, the executive director may, subject to the approval of the council; (i) enter into contracts and agreements and execute all instruments necessary or convenient thereto for accomplishing the purposes of this section; (ii) distribute grants to municipal governments and private parties to expand wireless and broadband access in underserved communities; (iii) appear before boards, commissions, departments or other agencies of municipal, state or federal government; (iv) prepare, publish and distribute, with or without charge, as the council may determine, such studies, reports and bulletins and other material as the council deems appropriate; and (v) take other action considered necessary to fulfill the goal of making the commonwealth a leader in wireless and high-speed connectivity marketplace choice in all communities, including those currently underserved.

(b) The council shall annually review state and local initiatives to expand wireless internet, cellular and broadband access and shall provide guidance and recommendations to the governor, the general court, and municipal governments concerning such activities. The council shall annually submit any recommendations and reports on progress being made toward achieving these goals, including a cost analysis of ongoing initiatives and a needs assessment of such initiatives, to the director of wireless and broadband development, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, and the chairs of the joint committee on small business and community development.

Section 6C. (a) There is hereby established and placed within the corporation a fund to be known as the Wireless and Broadband Development Fund, referred to in this section as the fund, to be held by the corporation separate and apart from its other funds, to finance the activities of the wireless and broadband development council established pursuant to section 6B, referred to in this section as the council. The fund shall be credited any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto, such additional funds as are subject to the direction and control of the corporation, any pension funds, federal grants or loans or private investment capital which may properly be applied in furtherance of the objectives of the fund, any proceeds from the sale of qualified investments secured or held by the fund, any fees and charges imposed relative to the making of qualified investments, as such shall be defined by the council created pursuant to section 6B, secured or held by the fund, and any other monies which may be available to the corporation for the purposes of the fund from any other source or sources.

(b) The corporation shall invest and reinvest the fund and the income thereof, except as hereinafter provided, only as follows: (1) in the making of qualified investments approved by the council, pursuant to rules approved by the council; (2) in defraying the ordinary and necessary expenses of administration and operation associated with the council; provided, however, that said administrative and operational expenses shall not exceed 5 per cent of the total assets of the fund in any 1 fiscal year; (3) in the investment of any funds not required for immediate disbursement in the purchase of such securities as may be lawful investments for fiduciaries in the commonwealth; (4) for the payment of binding obligations associated with such qualified investments which are secured by the fund as the same become payable; and (5) for the payment of principal or interest on qualified investments secured by the fund or the payment of any redemption premium required to be paid when such qualified investments are redeemed prior to maturity; provided, however, that monies in the fund shall not be withdrawn at any time in such an amount as would reduce the amount of the fund to less than the minimum requirement thereof established by the corporation, except for the purpose of paying binding obligations associated with qualified investments which are secured by the fund as the same become payable.

(c) The fund shall be held and applied by the corporation, subject to the approval of the council, to make qualified investments designed to advance the following public purposes: (1) to stimulate increased financing for the expansion of wireless internet, cellular and broadband services in the commonwealth by leveraging private financing for highly productive state-of-the-art facilities and by providing financing related thereto including, without limitation, financing of the construction or expansion of such new facilities; (2) to make matching grants to universities, colleges, public instrumentalities, companies and other entities to induce the federal government, industry and other grant-funding sources to fund the expansion of wireless internet, cellular and broadband services in the commonwealth, and to thereby serve to increase and strengthen the commercial and industrial base of the commonwealth and the economic development and employment opportunities related thereto; and (3) to provide bridge financing to universities, colleges, public instrumentalities, companies and other entities in anticipation of the receipt of grants of the type described in clause (2) awarded or to be awarded by the federal government, industry or other sources.

The corporation shall make no such qualified investment pursuant to clause (1) of subsection (b) unless: (i) the investment has been approved by a majority vote of the council; and (2) the corporation finds that, to the extent possible, the qualified investment is such that a definite benefit to the economy of the commonwealth may reasonably be expected therefrom. In addition, the corporation shall make no such qualified investment pursuant to said clause (1) of said subsection (b) unless the qualified investment is in conformity with rules adopted by the council and approved by the corporation.

Such rules shall set the terms and conditions for investments which are to constitute qualified investments, which may include, without limitation, loans, guarantees, loan insurance or reinsurance, equity investments, grants made only pursuant to clause (2) of sub-

section (c), or other financing or credit enhancing devices, as made by the corporation directly or on its own behalf or in conjunction with other public instrumentalities, private institutions, or the federal government. Such rules and regulations shall provide that each qualified investment made pursuant to clause (1) of said subsection (c) shall involve a transaction with the participation of at least 1 at-risk private party.

Such rules shall, set forth the terms, procedures, standards and conditions which the corporation shall employ to identify qualified applications, process applications, make investment determinations, safeguard the fund, advance the objective of increasing employment opportunities for the citizens of the commonwealth, oversee the progress of qualified investments and secure the participation of other public instrumentalities, private institutions, or the federal government in such qualified investments. Such rules shall provide that each recipient of a qualified investment shall be required to pay a fee as a condition of such receipt, which fee may take the form of points, an interest rate premium or a contribution of warrants or other form of equity or consideration to the fund as prescribed by the corporation. Such rules shall provide for negotiated agreements between the corporation and each recipient of a qualified investment regarding the terms and conditions by which the fund's support thereof could be reduced or withdrawn.

(d) The corporation may solicit investments by private institutions or investors in the activities of the fund and may reach agreements with such private institutions or investors regarding the terms of any such investments including, without limitation, the rights of such investors to participate in the income or appropriation of the fund. In furtherance of the objective of securing investments by private institutions or investors in the activities of the fund as set forth in the preceding sentence, the corporation may develop a proposal relative to the creation of a separate investment entity which would allow for the commingling of the resources of the fund with the maximum participation by such private institutions or investors in a manner which is consistent with the public purpose of the fund and under terms and conditions calculated to protect and preserve the assets of the fund. If the creation or operation of such a separate entity as proposed by the corporation would require additional or clarifying amendments to the enabling act of the corporation, such proposal shall include proposed statutory language with regard thereto.

(e) Copies of the approved rules, and any modifications thereto, shall be submitted to the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, the chairs of the joint committee telecommunication, utilities and energy and the clerks of the house of representatives and senate.

(f) Qualified investment transactions undertaken by the corporation pursuant to this section shall not, except as specified in this section, be subject to chapter 175, and shall be payable solely from the Wireless and Broadband Development Fund, and shall not constitute a debt or pledge of the faith and credit of the commonwealth, the corporation or any subdivision of the commonwealth.

(g) The corporation shall not at any time make expenditure from or commitment of the assets of the fund including, without limitation, the making of qualified investments secured by the fund, if following the making of a qualified investment, the amount of the fund shall be less than the minimum requirement established by law, unless the council, at the time of making of such qualified investment, deposits in the fund from the proceeds thereof or from any fees and charges imposed relative to the making of qualified investments, or otherwise, an amount which, together with the amount in the fund, shall not be less than the minimum requirement. At no time shall the minimum requirement of the fund be less than the maximum amount of principal and interest becoming due in the current and succeeding fiscal year of the corporation on all outstanding bonds and other obligations which are secured by the fund or such greater amount as may be set forth in the rules governing the fund.

SECTION 41. The General Laws are hereby amended by inserting after chapter 40S the following chapter:

Chapter 40T

Special Development Districts

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Committee", a prudential committee established pursuant to this chapter.

"Cost", shall include the cost of: (a) construction, reconstruction, renovation and acquisition of all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, and interests acquired or to be acquired by the district, the municipality, the commonwealth or any other political subdivision thereof; (b) all machinery and equipment including machinery and equipment needed to expand or enhance services from the municipality, the commonwealth or any other political subdivision thereof to the district; (c) financing charges and interest prior to and during construction, and for a limited time after completion of the construction, interest and reserves for principal and interest, including costs of municipal bond insurance and any other type of financial guaranty and costs of issuance; (d) extensions, enlargements, additions, and enhancements to improvements; (e) Architectural, engineering, financial and legal services; (f) plans, specifications, studies, surveys and estimates of costs and of revenues; (g) administrative expenses necessary or incident to the construction, acquisition, and financing of the improvements; and (h) other expenses as may be necessary or incident to the construction, acquisition, and financing of the improvements.

"District", a special development district created by a municipality pursuant to this chapter; provided, however, that the district shall be included within the definition of a "local governmental unit" as defined in chapter 29C and its bonds and notes shall be included within the definition of "local governmental obligations" as defined in said statute.

"Improvement plan", a plan setting forth the proposed improvements, services and programs, revitalization strategy, update mechanism, the cost estimates for said improvements, the specific powers the district shall adopt from those listed in section 7, the analysis

of any costs of financing said improvements, the method and structure of any assessments, betterments, special assessments or fees, the selection of any or all of the assessing powers listed in sections 11 and 12 that shall be utilized, the participation, if any, in a district improvement financing program as described in section 25, and if so, a description of any assessing powers to be utilized, disclosures, if any, of potential conflicts of interest of members of the prudential committee, and the initial district budget to be levied on the real estate in the district.

"Improvements", the acquiring, laying, constructing, maintaining, improving and operating of capital improvements, such as, but not limited to, storm drainage systems, dams, sewage treatment plants, sewers, water and well systems, roads, bridges, culverts, tunnels, streets, sidewalks, lighting, parking, including garages, public safety and public works buildings, parks, cultural and performing arts facilities, recreational facilities, marine facilities such as piers, wharfs, bulkheads and sea walls, transportation stations and related facilities, shuttle transportation equipment, fiber and telecommunication systems, facilities to produce and distribute electricity, including alternate energy sources such as co-generation and solar installations, the investigation and remediation associated with the cleanup of actual or perceived environmental contamination within the district in accordance with applicable governmental regulations and provided that no such investigation or remediation shall impair the rights of the district or any other person to contribution or reimbursement from any potentially responsible party for the costs thereof, and other infrastructure improvements.

"Municipal governing body", the city council and city manager under a Plan E form of government, the city council and mayor in the case of all other cities or the board of selectmen in the case of a town.

"Municipality", a city or town or cities and towns, if the district is located in multiple municipalities.

"Person", any natural or corporate person, including bodies politic and corporate, public departments, offices, agencies, authorities and political subdivisions of the commonwealth, corporations, trusts, societies, associations, and partnerships and subordinate instrumentalities of any one or more political subdivisions of the commonwealth.

"Special development district", a district created pursuant to this chapter and located in a municipality.

Section 2. (a) There is hereby authorized in each municipality in the commonwealth which accepts the provisions of this chapter, the organization of 1 or more special development districts, each a body politic and corporate and a political subdivision of the commonwealth; provided, however, that no special development district shall be organized, transact any business, employ any personnel or exercise any powers until the municipal governing body shall authorize by a majority vote the petition for the creation of such a district. In the event that 2 or more municipalities wish to jointly establish or consolidate contiguous districts, each such municipality wherein said district shall reside shall authorize by a majority vote the petition for the creation of such a district.

(b) The organization of a special development district shall be initiated by a petition of the persons owning real estate within the proposed district; provided further, that said petition shall be filed in the office of the clerk of the municipality and at a minimum shall contain:

(1) a legal description of the boundaries of the district;

(2) the written consent to the establishment of the district by the record owners of at least 80 percent of the real property acreage to be included in the district; provided, however, that legal title to said 80 per cent of the real property acreage to be included in the district is legal title shall be held by a minimum of 2 persons; provided further, that any real property owned by the commonwealth or any political subdivision thereof shall not be subject to the provisions of this chapter;

(3) a designation of 5 persons that are record owners of real property within said district or representatives of said owners of real property within said district to be the initial members of the prudential committee; provided further, that initial members of the committee shall for an initial term not to exceed 3 years as specified in the petition or until replaced by members appointed as provided hereafter; provided, however, that successor members of the prudential committee shall be appointed by the city manager in the case of a city under Plan E form of government, the city council in the case of all other cities, or the board of selectmen in the case of a town upon the expiration of the member's term of office for a term not to exceed 3 years and shall serve until their successors are appointed and qualified;

(4) the official name of the district;

(5) a map of the proposed district showing its boundaries, and any current public improvements as are already in existence which may be added to or modified by a district improvement;

(6) based upon available data, the proposed timetable for construction of the district improvements and the estimated cost of completing said improvements;

(7) the improvement plan for the district; and

(8) the procedure by which the municipality will be reimbursed for any costs incurred in establishing the district, and for any administrative costs to be incurred in the collection of any future betterments, assessments, special assessments, and fees on behalf of the district.

Section 3. (a) Upon receipt of a petition pursuant to section 2, the city manager in the case of a city under Plan E form of government, the city council in the case of all other cities, or the board of selectmen in the case of a town shall, within 60 days of said receipt, hold a public hearing on said petition; provided further, that written notification of such hearing and a summary of the improvement plan shall be provided by the clerk of the municipality to the record owner of each parcel within the boundaries of the proposed district no later than 14 days prior to such hearing, by mailing notice to the address listed in the municipality's property tax records. Notification of the hearing shall also be published for 2 consecutive weeks in a newspaper of general circulation in the municipality at least 14 days prior to the date of such hearing. Such public notice shall contain the proposed boundaries

of the district, the proposed basis for determining any betterments, assessments, special assessments, charges and fees, as well as the proposed benefits to be provided by the district and the location or locations for viewing and copying the improvement plan.

(b) A hearing pursuant to subsection (a) shall determine if the petition satisfies the purposes set forth therein and the district establishment criteria of this chapter and shall obtain public comment regarding the improvement plan and the effect that the proposed district will have on the record owners of real property within said district, tenants, others within the district, and the municipality or adjacent communities; provided further, that within 60 days of said public hearing, the city manager in the case of a city under Plan E form of government, the city council in the case of all other cities, or the board of selectmen in the case of a town shall issue a preliminary recommendation on the petition; provided, however, that said preliminary recommendation shall include, but shall not be limited to, the following findings:-

(1) the establishment of the district is in compliance with the provisions of this chapter;

(2) the establishment of the district is not inconsistent with any applicable element or portion of any master plan of the municipality;

(3) the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be the subject of public improvements as outlined in the improvement plan;

(4) that the powers of the district provide a reasonable method for financing the improvements and delivering the services to the area that will be served by the district as described in the improvement plan;

(5) that the proposed improvements in the district will be compatible with the capacity and uses of existing local and regional infrastructure services and facilities;

(6) that the area that will be served by the district is amenable to separate, limited purpose, special district government.

(c) Within 21 days of the receipt of a preliminary recommendation required pursuant to subsection (b), the city manager in the case of a city under Plan E form of government, the city council in the case of all other cities, or the board of selectmen in the case of a town, or if a town meeting is required, at the next available town meeting, shall vote on the petition to establish the district.

(d) Upon the affirmative vote of the municipal governing body pursuant to this chapter, the district shall have all the rights and powers necessary or convenient to carry out and effectuate this chapter, not inconsistent with the improvement plan as approved by the municipal governing body, including, but without limiting the generality of the foregoing, the following:

(1) to adopt by-laws for the regulation of its affairs and the conduct of its business, to promulgate rules, regulations and procedures in connection with the performance of its functions and duties, and to fix, enforce and collect penalties for the violation thereof; provided, however, that any by-laws, rules, regulations and procedures shall be consistent

with the powers conferred by this chapter and with other applicable provisions of the General Laws, and that any by-laws with respect to the removal of members of the prudential committee shall be consistent with the laws, statutes, and ordinances applicable to the municipality;

(2) to adopt an official seal and alter the same at its pleasure;

(3) to maintain an office at such place or places within the district or the municipality as it may determine;

(4) to make and enter into all manner of contracts and agreements necessary or incidental to the exercise of any power granted to the district by this chapter including agreements with the municipality, the commonwealth and any other city, town or political entity or utility providing services that are necessary to the acquisition, construction or operation of the improvements within the district;

(5) to acquire by eminent domain, with the approval of the municipal governing body, under the provisions of chapters 79, 79A, 80 and 80A of the General Laws, subject to the provisions of this chapter, and as provided for in clause (f), real and personal property located within the district, and to purchase or acquire by lease, lease-purchase, sale and lease-back, gift or devise, or to obtain or grant options for the acquisition of any property, real or personal, tangible or intangible, or any interest therein, in the exercise of its powers and the performance of its duties; provided that the district may only acquire real estate or any interest therein, within the boundaries of the district itself, except that the district may acquire real estate or any interest therein outside the boundaries of the district, other than by eminent domain, necessary for the acquisition, construction, maintenance and operation of the improvements or services relating thereto that are located within the district or are related to, or provided by the district;

(6) to construct, improve, extend, equip, enlarge, rehabilitate, maintain, repair, and operate and administer the improvements for the benefit of the district within, or subject to clause (e) above without the district; to acquire existing improvements or construct new improvements, including those located under or over any roads, public ways or parking areas, and to enter upon and dig up any private land within the district for the purpose of constructing said improvements and of maintaining and repairing the same; provided further, that chapter 30B shall apply to the district, except that section 16 of said chapter 30B shall not apply; provided further, that chapter 31 shall not apply to any person employed or engaged by the district under this chapter; provided further, that as relating to any construction or repair work undertaken by it pursuant to this clause, the district shall be deemed to be a public agency for purposes of section 26 and sections 44A to 44H, inclusive of chapter 149; provided further, that said provisions of chapters 30B and 149 shall not be applicable to improvements acquired by but not constructed by the district itself; and provided further, that all other applicable provisions of the General Laws protecting public health, welfare and safety shall apply;

(7) to accept gifts or goods of funds, property or services from any source, public or private, and comply, subject to the provisions of this chapter and the terms and conditions

hereof;

(8) to sell, lease, mortgage, exchange, transfer or otherwise dispose of, or grant options for any such purposes with respect to any property, real or personal, tangible or intangible, of the district, or any interest therein;

(9) to pledge or assign any money, fees, charges, receipts, betterment fees, assessment fees, and special assessments, or other revenues of the district and any proceeds derived by the district;

(10) to borrow money and incur indebtedness and issue bonds or notes as hereinafter provided;

(11) to enter into contracts and agreements with the municipality, the proprietors of the district and any public or private utility with respect to all matters necessary, convenient or desirable for carrying out the purposes of this chapter including, without limiting the generality of the foregoing, the acquisition of existing improvements (including utilities or infrastructure outside the district but benefiting the district), collection of revenue, data processing, and other matters of management, administration and operation; to make other contracts of every name and nature; and to execute and deliver all instruments necessary or convenient for carrying out any of its purposes;

(12) to assess and collect betterments, assessments and special assessments, and fees as described in this chapter; to exercise the powers and privileges of, and to be subject to the limitations upon, municipalities provided in sections 38 to 42K, inclusive, of chapter 40, chapter 80 and chapter 83, in so far as such provisions may be applicable and are consistent with the provisions of this chapter; provided, however, that any requirement in said sections or chapters for a vote by the governing body of a district, town or city or for a vote by the voters of a town, city or district shall be satisfied by a vote or resolution duly adopted by an annual or special meeting of the prudential committee in accordance herewith;

(13) to sue and be sued in its own name; provided, however, that neither the district nor any member of the prudential committee, officer or employee thereof shall be liable in tort except pursuant to the provisions of chapter 258; provided further, that the district may indemnify its officers and employees to the extent provided in said chapter 258; and provided further that the property of the district other than revenues pledged to the payment of notes or bonds shall not be subject to attachment, or be levied upon by execution or otherwise;

(14) to invest any funds of the district in such manner and to the extent permitted under the General Laws for the investment of such funds by the treasurer of a municipality;

(15) to employ such assistants, agents, employees and persons, including consulting experts as may be deemed necessary in the prudential committee's judgment, and to fix their compensation;

(16) to procure insurance against any loss or liability that may be sustained or incurred in carrying out the purposes of this chapter in such amount as the district shall deem necessary and appropriate and with 1 or more insurers who shall be licensed to furnish such insurance in the commonwealth;

(17) to apply for any loans, grants or other type of assistance from the United States Government, the commonwealth or political subdivision thereof;

(18) to adopt an annual budget and to raise, appropriate, and assess funds in amounts necessary to carry out the purposes for which the district is formed as described in this chapter; and

(19) to do all things necessary, convenient or desirable for carrying out the purposes of this chapter or the powers expressly granted or necessarily implied in this chapter.

Section 4. (a) Upon the affirmative vote of the municipal governing body authorizing a petition filed pursuant to section 2, the prudential committee shall, within 14 days meet and shall take the following actions:

(1) elect a chairman and vice-chairman, who shall preside at all meetings of the prudential committee in the absence of the chairman or in the event of his inability to act or because of a conflict of interest and elect a clerk and treasurer;

(2) adopt district by-laws and other rules for the general conduct of its business; provided further, that said bylaws shall include a description of the duties and responsibilities of the district officers and a requirement that all meetings of the prudential committee shall be posted in the offices of the clerk of the municipality at least 48 hours prior to said meeting;

(3) adopt a district seal;

(4) adopt a budget for the fiscal year and appropriate monies to be raised pursuant to this chapter in support thereof; and include in its initial and in all subsequent annual appropriations, compensation for the municipality's assessors and tax collector and, as necessary the municipality's treasurer, pursuant to the provisions of section 108B of chapter 41, with respect to their duties and expenses hereunder; and

(5) consider such other business as shall be consistent with the power and authority conferred by this chapter.

(b) Said prudential committee shall meet not less than once every 6 months; provided further, that a minimum of 3 members of the prudential committee shall be required for a quorum and that a quorum of the prudential committee shall be required for the conduct of any business; provided further, that all actions permitted to be taken by the prudential committee shall require a majority vote of its members present at said meeting who shall constitute a quorum in accordance with this chapter or the by-laws of the district; and provided further, that meetings of the prudential committee shall be governed by chapter 39 of the General Laws except as otherwise provided in this chapter and any action by the prudential committee shall take effect immediately unless otherwise provided and need not be published or posted.

Section 5. (a) Consistent with the improvement plan, the prudential committee is authorized and empowered to fix, revise, charge, collect and abate betterments, assessments, special assessments, and fees, and other charges for the cost, administration and operation of the improvements and other services and commodities furnished or supplied to the real property in the district. All non-governmental property within the limits of the district shall

be considered specially benefited by the improvements. In providing for the payment of the cost of the improvements or for the use of the improvements, the prudential committee may avail itself of the provisions of the General Laws relative to the assessment, apportionment, division, fixing, reassessment, revision, abatement and collection of infrastructure charges, including betterments, assessments, special assessments, and fees, or the establishment of liens therefor and interest thereon. Notwithstanding any general or special law to the contrary, the district may pay the entire cost of any improvements, including the acquisition thereof, during construction or after completion, or the debt service of notes or bonds used to fund such costs, from betterments, assessments, special assessments or fees, and may establish said betterments, assessments, special assessments or fees, prior to, during, or within 1 year after completion of construction or acquisition of any improvements. The prudential committee may establish a schedule for the payment of betterments, assessments, special assessments or fees not to exceed 30 years. The prudential committee may determine the circumstances under which the betterments, assessments, special assessments, and fees, and other charges, may be increased, if at all, as a consequence of delinquency or default by the proprietor of that parcel or any other parcel within the district. To provide for the collection and enforcement of its betterments, assessments, special assessments, and fees, the prudential committee is hereby granted all the powers and privileges with respect thereto held by the municipality on the effective date of this chapter or as otherwise provided in this chapter, to be exercised concurrently with the municipality.

The special assessments, fees, assessments, betterments and other charges of general application authorized by this chapter may be increased in accordance with the procedures to be established by the prudential committee for assuring that interested persons are afforded notice and an opportunity to present data, views and arguments. The prudential committee shall hold at least 1 public hearing on its schedule of special assessments, fees, betterments and assessments and other charges or any revision thereof prior to adoption by the prudential committee, notice of which shall be delivered to the municipality and be published in a newspaper of general circulation in the municipality at least 1 month in advance of the hearing. No later than the date of such publication, the prudential committee shall make available to the public and deliver to the municipality the proposed schedule of special assessments, fees, betterments, assessments and other charges.

The betterments, assessments, special assessments, and fees, and other charges established by the prudential committee shall not be subject to supervision or regulation by any department, division, commission, board, bureau, or agency of the commonwealth or any of its political subdivisions, including without limitation, the municipality, nor shall the district be subject to the provisions of section 20A of chapter 59.

The betterments, assessments, special assessments, fees, and other charges established by the prudential committee in accordance with this chapter shall be fixed and adjusted in respect of the aggregate thereof so as to provide revenues at least sufficient to: (i) to pay the current expenses of the district; (ii) to pay the principal of, premium, if any, and interest on bonds, notes or other evidences of indebtedness issued by the district under this

chapter as the same becomes due and payable; (iii) to create and maintain such reasonable reserves as may be reasonably required by any trust agreement or resolution securing bonds; (iv) to provide funds for paying the cost of necessary repairs, replacements and renewals of the infrastructure system or systems; and (v) to pay or provide for any amounts that the district may be obligated to pay or provide for by law or contract, including any resolution or contract with or for the benefit of the holders of its bonds and notes, provided that the district shall not be required to increase any mandatory assessments, special assessments, betterments, fees or other charges by virtue of any individual proprietor delinquencies.

(b) As an alternative to levying betterments, assessments, and fees, under any other provisions of this chapter or the General Laws, the district may levy special assessments on real estate within the district to finance the cost, administration and operation of the improvements. In determining the basis for and amount of the special assessment, the cost, administration and operation of the improvements, including the cost of the repayment of the debt issued or to be issued to finance the improvements, may be calculated and levied using any of the following methods that result in fairly allocating the costs of the improvements to the real estate in the district:

(1) equally per length of frontage, or by lot, parcel, or dwelling unit, or by the square footage of a lot, parcel or dwelling unit;

(2) according to the value of the property as determined by the municipality's board of assessors; or

(3) in any other reasonable manner that results in fairly allocating the cost, administration and operation of the improvements, according to the benefit conferred or use received including, but not limited to, by classification of commercial or residential use or distance from the improvements.

The district may also provide for the following:

(1) a maximum amount to be assessed with respect to any parcel;

(2) a tax year or other date after which no further special assessments under this section shall be levied or collected on a parcel;

(3) annual collection of the levy without subsequent approval of the district;

(4) the circumstances under which the special assessment levied against any parcel may be increased, if at all, as a consequence of delinquency or default by the proprietor of that parcel or any other parcel within the district; and

(5) the district may establish procedures allowing for the prepayment of special assessments, assessments, betterments, and fees, under this chapter.

(c) Special assessments, betterments, assessments, and fees, levied under this chapter shall be collected and secured in the same manner as property taxes, betterments, and assessments and fees owed to the municipality unless otherwise provided by the district and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for such property taxes, betterments and liens owed to the municipality but shall be junior to any such municipal liens. Any liens imposed by the municipality for the payment of property taxes shall have priority in payment over any liens

of the district.

Section 6. (a) The district is hereby authorized and empowered to provide by resolution of its prudential committee from time to time, for the issuance of bonds of the district for any of its corporate purposes. Bonds issued hereunder shall be special obligations payable solely from particular funds and revenues generated from betterments, assessments, special assessments, fees or other charges levied pursuant to this chapter as provided in such resolution. Without limiting the generality of the foregoing, such bonds may be issued to pay or refund notes issued pursuant to this chapter, to pay the cost of acquiring, laying, constructing, maintaining, and reconstructing the improvements. The bonds of each issue shall be dated, shall bear interest at the rates, including rates variable from time to time, and shall mature at the time or times not exceeding 30 years from their date or dates, as determined by the prudential committee, and may be redeemable before maturity, at the option of the prudential committee or the holder thereof, at the price or prices and under the terms and conditions fixed by the prudential committee before the issuance of the bonds. The prudential committee shall determine the form of the bonds, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the commonwealth and such other locations as designated by the prudential committee. In the event an officer whose signature or a facsimile of whose signature shall appear on any bonds shall cease to be an officer before the delivery of the bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until the delivery. The bonds shall be issued in registered form. The prudential committee may sell the bonds in a manner and for a price, either at public or private sale, as it may determine to be for the best interests of the district.

Before the preparation of definitive bonds, the prudential committee may, under like restrictions, issue interim receipts or temporary bonds exchangeable for definitive bonds when the bonds have been executed and are available for delivery. The prudential committee may also provide for the replacement of any bonds that shall become mutilated or shall be destroyed or lost. The issue of the bonds, the maturities, and other details thereof, the rights of the holders thereof, and the duties of the district in respect of the same shall be governed by this chapter insofar as the same may be applicable.

While any bonds or notes issued by the district remain outstanding, the powers, duties or existence of the district or the prudential committee shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of such bonds or notes. Bonds or notes issued under this chapter, unless otherwise authorized by law, shall not be deemed to constitute a debt of the commonwealth or the municipality, or a pledge of the faith and credit of the commonwealth or of the municipality, but the bonds or notes shall be payable solely by the district or as special obligations payable from particular district funds collected from betterments, assessments, special assessments, fees or other charges levied pursuant to this chapter. Any bonds or notes issued by the district shall contain on the

face thereof a statement to the effect that neither the commonwealth nor the municipality shall be obliged to pay the same or the interest thereon, and that neither the faith and credit nor taxing power of the commonwealth or of the municipality is pledged to the payment of the bonds or notes. All bonds or notes issued under this chapter shall have and are hereby declared to have all the qualities and incidents of negotiable instruments as defined in sections 3-104 of chapter 106 of the General Laws.

Issuance by the district of 1 or more series of bonds or notes for 1 or more purposes shall not preclude it from issuing other bonds or notes in connection with the same project or any other project; provided, however, that the resolution or trust indenture wherein any subsequent bonds or notes may be issued shall recognize and protect any prior pledge made for any prior issue of bonds or notes unless in the resolution or trust indenture authorizing such prior issue the right is reserved to issue subsequent bonds on a parity with such prior issue.

(b) In the discretion of the prudential committee bonds issued pursuant to this chapter may be secured by a trust agreement between the district and the bond owners or a corporate trustee which may be any trust company or bank having the powers of a trust company within or without the commonwealth. A trust agreement may pledge or assign, in whole or in part, the revenues, funds and other assets or property held or to be received by the district, including without limitation all monies and investments on deposit from time to time in any fund of the district or any account thereof and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the district, and the proceeds thereof. A trust agreement may contain, without limitation, provisions for protecting and enforcing the rights, security and remedies of the bondholders, provisions defining defaults and establishing remedies, which may include acceleration and may also contain restrictions on the remedies by individual bondholders. A trust agreement may also contain covenants of the district concerning the custody, investment and application of monies, the issue of additional or refunding bonds, the use of any surplus bond proceeds, the establishment of reserves and the regulation of other matters customarily treated in trust agreements. It shall be lawful for any bank or trust company to act as a depository of any fund of the district or trustee under a trust agreement, provided it furnishes indemnification and reasonable security as the prudential committee may require. Any assignment or pledge of revenues, funds and other assets and property made by the district shall be valid and binding and shall be deemed continuously perfected for the purposes of chapter 106 and other laws when made. The revenues, funds and other assets and property, rights therein and thereto and proceeds so pledged and then held or thereafter acquired or received by the district shall immediately be subject to the lien of such pledge without any physical delivery or segregation or further act, and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the trust, whether or not such parties have notice thereof. The trust agreement by which a pledge is created need not be filed or recorded to perfect the pledge except in the records of the prudential committee and no filing need be made pursuant

to said chapter 106. Any pledge or assignment made by the district is an exercise of its political and governmental powers, and revenues, funds, assets, property and contract or other rights to receive the same and the proceeds thereof which are subject to the lien of a pledge or assignment created under this chapter shall not be applied to any purposes not permitted by the pledge or assignment.

(c) The district is hereby authorized and empowered to issue, from time to time, notes of the district in anticipation of federal, state or local grants for the cost of acquiring, constructing or improving the district's improvements and utilities or in anticipation of bonds to be issued pursuant to this chapter. Said notes shall be authorized, issued and sold in the same manner as, and shall otherwise be subject to the other provisions of this chapter. Such notes shall mature at such time or times as provided by the issuing resolution of the prudential committee and may be renewed from time to time; provided, however, that all such notes and renewals thereof shall mature on or prior to 20 years from their date of issuance.

(d) In addition to other security provided herein, or otherwise by law, bonds, notes or obligations issued by the district under any provision of this chapter, may be secured, in whole or in part, by a letter of credit, line of credit, bond insurance policy, liquidity facility or other credit facility for the purpose of providing funds for payments in respect of bonds, notes or other obligations required by the holder thereof to be redeemed or repurchased prior to maturity or for providing additional security for such bonds, notes or other obligations. In connection therewith, the district may enter into reimbursement agreements, remarketing agreements, standby bond purchase agreements and any other necessary or appropriate agreements. The prudential committee may pledge or assign any of the district's revenues as security for the reimbursement by the district to the issuers or providers of such letters of credit, lines of credit, bond insurance policies, liquidity facilities or other credit facilities of any payments made under the letters of credit, lines of credit, bond insurance policies, liquidity facilities or other credit facilities.

(e) In connection with, or incidental to, the issuance of bonds, notes or other obligations the district may enter into such contracts as the prudential committee may determine to be necessary or appropriate to place the bonds, notes or other obligations of the district, as represented by the bonds or notes, or other obligations in whole or in part, on such interest rate or cash flow basis as the prudential committee may determine, including without limitation, interest rate swap agreements, insurance agreements, forward payment conversion agreements, futures contracts, contracts providing for payments based on levels of, or changes in, interest rates or market indices, contracts to manage interest rate risk, including without limitation, interest rate floors or caps, options, puts, calls and similar arrangements. Such contracts shall contain such payment, security, default, remedy and other terms and conditions as the prudential committee may deem appropriate and shall be entered into with such party or parties as the district may select, after giving due consideration, where applicable, for the credit worthiness of the counter party or counter parties, including any rating

by a nationally recognized rating agency, the impact on any rating on outstanding bonds, notes or other obligations or any other criteria the prudential committee may deem appropriate.

(f) The district shall have the power out of any funds available therefore to purchase its bonds or notes. The district may hold, pledge, cancel or resell such bonds or notes, subject to and in accordance with agreements with bondholders. The prudential committee may issue refunding bonds for the purpose of paying any of its bonds at maturity or upon acceleration or redemption. Refunding bonds may be issued at such time or times prior to the maturity or redemption of the refunded bonds as the prudential committee deems to be in the public interest. Refunding bonds may be issued in sufficient amounts to pay or provide for the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expense of issuing the refunding bonds, the expense of redeeming bonds being refunded and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by a trust agreement or resolution securing the bonds. All other provisions relating to the issuance of refunding bonds shall be as set forth in this chapter.

(g) All moneys received pursuant to the provisions of this chapter, whether as proceeds from the issue of bonds or notes, or as revenue or otherwise, shall be deemed trust funds to be held and applied solely as provided in this chapter.

(h) Bonds or notes issued under this chapter are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control and belonging to them; and the bonds are hereby made obligations that may properly and legally be made eligible for the investment of savings deposits and income thereof in the manner provided by section 2 of chapter 167E. The bonds or notes are hereby made securities that may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

Notwithstanding any general or special law to the contrary, or any provision in their respective charters, agreements of associations, articles or organization, or trust indentures, domestic corporations organized for the purpose of carrying on business within the commonwealth, including without implied limitation any electric or gas company as defined in section 1 of chapter 164, railroad corporations as defined in section 1 of chapter 160, financial institutions, trustees and the municipality may acquire, purchase, hold, sell, assign, transfer, or otherwise dispose of any bonds, notes, securities or other evidence of indebtedness of the district provided that they are rated similarly to other governmental bonds

or notes, and to make contributions to the district, all without the approval of any regulatory authority of the commonwealth.

(i) Any holder of bonds or notes issued under this chapter, and a trustee under a trust agreement, except to the extent its rights may be restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce all rights under the laws of the commonwealth or granted hereunder or under the trust agreement, and may enforce and compel the performance of all duties required by this chapter or by the trust agreement, to be performed by the district or by any officer thereof.

(j) Notwithstanding any of the provisions of this chapter or any recitals in any bonds or notes issued under this chapter, all such bonds or notes shall be deemed to be investment securities under the provisions of chapter 106.

(k) Bonds or notes may be issued under this chapter without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth or the municipality, and without any proceedings or the happening of any other conditions or things than those proceedings, conditions or things that are specifically required thereof by this chapter, and the validity of and security for any bonds or notes issued by the district shall not be affected by the existence or nonexistence of any such consent or other proceeding conditions, or things.

Section 7. The district and all its receipts, revenues, income and real and personal property shall be exempt from taxation and from betterments and assessments and the district shall not be required to pay any tax, excise or assessment to or from the commonwealth or any of its political subdivisions. Bonds or notes issued by the district and their transfer and their interest or income, including any profit on the sale thereof, shall at all times be exempt from taxation within the commonwealth, provided that nothing in this chapter shall act to limit or restrict the ability of the commonwealth or the municipality to otherwise tax the individuals and companies, or their real or personal property or any person living or business operating within the boundaries of the district.

Section 8. With the approval of the municipal governing body and the Economic Assistance Coordinating Council, the district may issue its bonds pursuant to, and according to the terms of chapter 40Q, provided that the municipality has fulfilled all requirements set forth in said chapter 40Q that would be required of the municipality if it were itself issuing bonds pursuant to said chapter 40Q. Additionally, the municipality shall include in its "invested revenue district development program", as defined in said chapter 40Q, a description of the rights and responsibilities of both the district and the municipality with respect to said program. In such case, the municipality may designate the district as the issuer of bonds pursuant to said chapter 40Q for the purpose of financing any "project costs" as defined in said chapter 40Q and that are located in, or functionally serving the needs of the district. The municipality shall determine the percentage of the "captured assessed valuation," as defined in said chapter 40Q, of property within the boundaries of the district that the municipality is pledging pursuant to an invested revenue district development program

as defined in said chapter 40Q for the payment of the district's bonds. With the written agreement of the proprietor or proprietors of 1 or more specific parcels in the district, the district may adopt a plan whereby any of the assessing powers described in this chapter are made applicable exclusively to said parcels in order to secure and fund the debt service for the bonds. The "project costs" as defined in said chapter 40Q, shall not be reduced by the amount of the revenues derived pursuant to this chapter and said revenues may be made contingent upon or abated, in whole or in part, by the district upon the receipt of the anticipated revenues generated through the pledged captured assessed valuation. At the option of the municipality, the adjustment for the "inflation factor" described in said chapter 40Q, may be waived in order to increase the captured assessed valuation available to the district. The district and the municipality shall enter into an inter-municipal agreement delineating the rights and responsibilities of each pursuant to the district improvement financing.

Section 9. The prudential committee and the district's officers shall at all times keep full and accurate accounts of the district's receipts, expenditures, disbursements, assets and liabilities, which shall be open to inspection by any record owner of land within the district, or duly appointed officer or duly appointed agent or the commonwealth or the municipality. The fiscal year of the district shall be the same fiscal year as established by the General Laws for cities and towns in the commonwealth. The district shall be subject to an audit of its accounts in the manner provided in section 40 of chapter 44. Before the issuance of any bonds or notes under the provisions of this chapter, any officer of the district or of the prudential committee charged with responsibility of the issuance thereof, shall each execute a surety bond in the sum of $250,000 payable to the district, or in lieu thereof, the prudential committee shall obtain a blanket position bond covering any member of the prudential committee, or officer of the district, charged with responsibility for the issuance of any bond or notes, such surety bonds to be conditioned upon the faithful performance of the duties of their offices, to be executed by a surety company authorized to transact business in the commonwealth as a surety and approved by the prudential committee. For the purposes of chapter 268A, the district shall be considered a municipal agency. The members of the prudential committee and employees of the district, together with any person who performs professional services for the district on a part-time, intermittent or consultant basis, such as those of an architect, attorney, engineer, planner, or construction, financial, or real estate expert, shall be special municipal employees; provided, however, that the provisions of said chapter 268A, or any similar provision of any general or special law, shall not apply to any member of the prudential committee having a direct or indirect financial interest in any contract or transaction entered into with the district pursuant to an improvement plan that has been submitted with the petition and approved by the municipality in accordance with section 5, if said improvement plan contains a statement making disclosure of said member's interest and the interests of his immediate family in said contract or transaction.

Section 10. The prudential committee and the district's officers shall at all times keep accounts of the district's receipts, expenditures, disbursements, assets and liabilities,

which shall be open to inspection by a proprietor, or duly appointed officer or duly appointed agent of the commonwealth or the municipality. The fiscal year of the district shall be the same fiscal year as established by the General Laws for cities and towns in the commonwealth. The district shall be subject to an audit of its accounts in the manner provided in section 40 of chapter 44. Before the issuance of any bonds or notes under this chapter, any officer of the district or of the prudential committee charged with responsibility of the issuance thereof, shall each execute a surety bond in the sum of $250,000 payable to the district, or in lieu thereof, the prudential committee shall obtain a blanket position bond covering any member of the prudential committee, or officer of the district, charged with responsibility for the issuance of any bond or notes, such surety bonds to be conditioned upon the faithful performance of the duties of their offices, to be executed by a surety company authorized to transact business in the commonwealth as a surety and approved by the prudential committee. For the purposes of chapter 268A, the district shall be considered a municipal agency. The members of the prudential committee and employees of the district, together with any person who performs professional services for the district on a part-time, intermittent or consultant basis, such as those of an architect, attorney, engineer, planner, or construction, financial, or real estate expert, shall be special municipal employees.

Section 11. The district may make representations and agreements for the benefit of the holders of the district's bonds and notes or other obligations to provide secondary market disclosure information. The prudential committee or an officer authorized by the prudential committee may make the representations and agreements on behalf of the district or may delegate the authority to any other officer or employee of the district. The agreement may include: (1) covenants to provide secondary market disclosure information (2) arrangements for such information to be provided with the assistance of a paying agent, trustee, dissemination or other agent; and (3) remedies for breach of the agreements, which remedies may be limited to specific performance.

Section 12. The collector-treasurer of each municipality, at the option of the municipality, may collect any district betterments, assessments, special assessments, and fees, including any recording fees, on behalf of the district pursuant to an agreement between the municipality and the district and to disburse the funds to any designated management entity or financial institution selected by the prudential committee. The collector-treasurer shall disburse revenues to the management entity or financial institution within 30 days of the collection of such fees, together with the interest earned on the holding of such fees.

Section 13. (a) This chapter shall be considered to provide an exclusive, additional, alternative and complete method of accomplishing the purposes of this chapter and exercising the powers authorized hereby and shall be considered and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the district by law; but, insofar as the proceedings of this chapter are inconsistent with any general or specific law, administrative order or regulation, or any resolution or ordinance of the municipality, this chapter shall be controlling. Without limiting the generality of the foregoing, no

provision of any resolution or ordinance of the municipality requiring ratification by the voters of certain bond issues shall apply to the issuance of bonds or notes of the district pursuant to this chapter, nor shall be applicable to the manner of voting or the limitations as to the amount and time of payment of debts incurred by the district.

(b) Except as specifically provided in this chapter, all other statutes, ordinances, resolutions, rules and regulations of the commonwealth and the municipality shall be fully applicable to the property, proprietors, residents and businesses located in the district. This chapter shall not obligate the municipality to pay any costs for the acquisition, construction, equipping or operation and administration of the improvements located within the district.

Section 14. The district is a distinct and separate entity from the municipality, and the municipality shall not be subject to any claims, actions or liabilities as a result of the establishment of the district, its operations or the actions or inactions of its officers or its prudential committee or employees and there shall be no recourse against the municipality on account of, or arising from such obligations.

Section 15. Provided that all district bonds, notes and other obligations have been paid or satisfied, the municipal governing board of the municipality in which the district is located, on petition of proprietors owning 80 percent of the real property acreage within the district, may vote to terminate the district at any time after 35 years from the date of the declaration of the district's existence by the municipality. Upon such termination all of the property of the district shall be deemed transferred to the municipality.

SECTION 42. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting after the word "corporation", in line 247 the following words:— or a domestic research and development corporation.

SECTION 43. Said section 5 of chapter 59 of the General Laws, as so appearing, is hereby further amended by inserting after the word "corporation", in line 249, the following words:— or a foreign research and development corporation.

SECTION 44. Said section 5 of chapter 59 of the General Laws, as so appearing, is hereby further amended by inserting after the word "corporation", in line 269 the first time it appears, the following words:— a domestic research and development corporation.

SECTION 45. Said section 5 of chapter 59 of the General Laws, as so appearing, is hereby further amended by inserting after the word "corporation", in line 270, the following words:— or a foreign research and development corporation.

SECTION 46. Paragraph (3) of clause Sixteenth of said section 5 of said chapter 59, as so appearing, is hereby amended by adding the following sentence:— This clause, as it applies to a domestic research and development corporation as defined in section 38C of chapter 63 or a foreign research and development corporation as defined in section 42B of said chapter 63, shall take effect only upon its acceptance by any city or town.

SECTION 47. Said section 5 of said chapter 59, as so appearing, is hereby further amended by inserting after the word "manufacturing", in lines 275, 285, 288 and in line 292, the following words:— or research and development.

SECTION 48. Said section 5 of said chapter 59 is hereby further amended by striking out clause Fifty-first and inserting in place thereof the following clause:-

Fifty-first, the value of a parcel of real property which is included within an executed agreement under paragraph (v) of section 59, paragraph (v) of subsection (a) of section 60 or paragraph (iv) of subsection (a) of section 60A of chapter 40, together with all personal property situated on such parcel, but taxes on property eligible for exemption under this clause shall be assessed only on that portion of the value of the property that is not exempt under section 59, section 60 or section 60A of chapter 40, and this exemption shall be for a term not longer than the period specified for the exemption in the agreement. The amount of the exemption under this clause for any parcel shall be the exemption percentage adopted under paragraph (iii) of section 59, subsection (a) of section 60 or of section 60A of said chapter 40 multiplied by the amount by which the parcel's value exceeds the product of its assessed value for the last fiscal year before it became eligible for exemption under this clause multiplied by the adjustment factor determined in accordance with said section 59, section 60 or section 60A of said chapter 40. Taxes on property eligible for exemption under this clause shall be assessed only on that portion of the value of the property that is not exempt under this clause.

SECTION 49. Paragraph (1) of subsection (j) of section 6 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

A taxpayer or nonprofit organization which commences and diligently pursues an environmental response action on or before August 5, 2011, and who achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the regulations promulgated pursuant thereto which includes an activity and use limitation shall, at the time such permanent solution or remedy operation status is achieved, be allowed a base credit of 25 per cent of the net response and removal costs incurred between August 1, 1998, and January 1, 2012, for any property it owns or leases for business purposes and which is located within an economically-distressed area as defined in section 2 of chapter 21E. Such costs shall be not less than 15 per cent of the assessed value of the property prior to response action on or before remediation and the site shall be reported to the department of environmental protection. A credit of 50 per cent of such costs shall be allowed for any such taxpayer or nonprofit organization which achieves and maintains a permanent solution or remedy operation status in compliance with said chapter 21E and the Massachusetts Contingency Plan at 310 CMR 40.00, as amended, which does not include an activity and use limitation. Only a taxpayer or nonprofit organization that is an eligible person, as defined in section 2 of said chapter 21E, and not subject to any enforcement action brought pursuant to said chapter 21E shall be allowed a credit.

Any credit allowed under this subsection may be taken only after a response action outcome statement or remedy operation status submittal has been filed with the department of environmental protection as set forth in said Massachusetts Contingency Plan.

SECTION 50. Said subsection (j) of said section 6 of said chapter 62, as so appearing, is hereby further amended by adding the following 2 paragraphs:—

(5) All or any portion of tax credits issued in accordance with this subsection may be transferred, sold or assigned to a taxpayer with a liability under this chapter or chapter 63 or to a nonprofit organization. A taxpayer or nonprofit organization desiring to make a transfer, sale or assignment shall submit to the commissioner a statement which describes the amount of the Massachusetts environmental response action tax credit for which the transfer, sale or assignment of Massachusetts environmental response action tax credit is eligible. The taxpayer or nonprofit organization shall provide to the commissioner appropriate information so that the environmental response action tax credit can be properly allocated. The commissioner shall issue a certificate to the party receiving the environmental response action tax credit reflecting the amount of the tax credit received, a copy of which shall be attached by the party receiving the environmental response action tax credit to each tax return in which the tax credits are used.

(6) The commissioner shall annually, not later than September 1, file a report with the house and senate committees on ways and means, the chairs of the joint committee on community development and small businesses and the chairs of the joint committee on economic development and emerging technologies identifying the total amount of tax credits claimed pursuant to this subsection and the total amount of tax credits transferred, sold or assigned pursuant to paragraph (5) for the preceding fiscal year.

SECTION 51. Subparagraph (i) of paragraph (1) of subsection (b) of section 6J of said chapter 62, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The commissioner, in consultation with the Massachusetts historical commission, shall authorize annually, for the 6 year period beginning January 1, 2006, and ending December 31, 2011, under this section together with section 38R of chapter 63, an amount not to exceed $50,000,000 per year.

SECTION 52. Said chapter 62 is hereby further amended by inserting after section 6 the following section:—

Section 6½. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:—

"Department", the department of revenue.

"Medical device", an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including a component part or accessory, which is recognized in the official National Formulary or the United States Pharmacopeia, or any supplement thereto, intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease in humans or other animals and which does not achieve any of its primary intended purposes through chemical action within or on the body of a human or other animal and which is not dependent upon being metabolized for the achievement of its primary intended purposes.

"Medical device company", a sole proprietorship, partnership, limited liability company, corporate trust, corporation or other business: (i) the income of which is taxed directly

to the business or its owners under this chapter; and (ii) that has a facility located in the commonwealth which develops or manufactures medical devices.

"Medical device tax credit", the tax credit established under this section that a medical device company generated but was unable to claim as of the close of the last taxable year for which a return was filed because of limited tax liability.

"Private financial assistance", the proceeds of the sale of available tax credits under this section.

"User fees", the monetary amount actually paid by a medical device company to the United States Food and Drug Administration during the taxable year for pre-market approval to market new technologies developed or manufactured in the commonwealth or for a clearance under section 510(k) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 360e and 360, to market upgrades, changes or enhancements to existing technologies that are developed or manufactured in the commonwealth as stipulated in United States Public Law 107-250, federal Medical Device User Fee and Modernization Act.

(b) There shall be allowed to any medical device company as a credit against any tax liability imposed under this chapter an amount equal to 100 per cent of the cost of user fees paid by that medical device company during the taxable year for which the tax is due.

(c) The department shall establish a medical device tax credit transfer program to allow medical device companies doing business in the commonwealth with unused medical device tax credits to transfer those credits for use by a purchasing company in exchange for private financial assistance to be provided by that company to assist in the funding of costs incurred by the medical device companies. The private financial assistance shall be used to fund expenses incurred in connection with the operation of the medical device company in the commonwealth, including costs associated with fixed assets, such as the construction, acquisition and development of real estate, materials, start-up, tenant fit-out, working capital, salaries, research and development expenditures, and any other expenses determined by the department to be necessary to carry out the purposes of the program. A medical device company that wishes to participate in the program shall file an application with the department on a form prescribed by the department that sets forth the medical device tax credit amounts eligible for transfer, the use to which the medical device company intends to put the private financial assistance to be provided, the identity of the purchasing company, the amount of the financial assistance to be provided and such other information as the department may require. No medical device tax credits may be surrendered unless the purchasing company provides financial assistance in an amount equal to at least 75 per cent of the medical device tax credit amounts eligible to transfer.

The department shall review the application and, if the proposed transfer meets the requirements of this section, the department shall, upon receipt of a notarized statement signed under the pains and penalties of perjury by an authorized representative of the medical device company that the purchasing company has provided the specified financial assistance, issue a certificate to the purchasing company reflecting the medical device tax credit amounts transferred, a copy of which shall be attached to each tax return by a purchasing company in

which the medical device tax credits are used. The purchasing company shall treat the medical device tax credit amounts purchased under the program as a credit against its tax liability under this chapter. The purchasing company must use the medical device tax credit amounts so treated in tax returns filed within 5 years of the issuance of the certificate, after which period the credits will expire. The purchasing company may not use the medical device tax credit amounts to reduce the income tax to less than the amount due under section 4. No medical device company surrendering medical device tax credits under the program may use the benefits to reduce its tax liability under this chapter.

(d) The commissioner shall promulgate rules and regulations relative to the administration and enforcement of this section.

SECTION 53. Section 1 of chapter 62C of the General Laws, as so appearing, is hereby amended by striking out the definition of "Commissioner" and inserting in place thereof the following definition:-

"Building contractor", any general contractor, subcontractor or repairman who is engaged in the business of constructing or improving real property.

SECTION 54. Said section 1 of said chapter 62C, as so appearing, is hereby further amended by inserting after the definition of "Code" the following 2 definitions:—

"Commissioner", the commissioner of revenue.

"Materialman", a person primarily engaged in the retail sale of building material, tools and equipment to building contractors for the improvement of real property and authorized by law to file a mechanics lien upon real property for improvements related to the property. For the purposes of this definition, "primarily engaged" shall mean sales of 50 per cent or more of total sales to building contractors.

SECTION 55. Subsection (h) of section 16 of said chapter 62C, as so appearing, is hereby amended by adding the following 3 sentences:— A materialman shall file a return with the commissioner each month. Each return shall be filed within 50 days after the expiration of the period covered by the return. The department may require each materialman electing to remit sales and use tax under this section to file an application with the department stating his intention to remit sales and use tax pursuant to this section.

SECTION 56. Section 67D of said chapter 62C, as so appearing, is hereby further amended by inserting after the word "manufacturing", in lines 4, 14, 26, 37, 40, 55, 70, 76, 91, 99, 108, and 113, the following words:- or marine science technology.

SECTION 57. Said section 67D of said chapter 62C, as so appearing, is hereby further amended by inserting after the definition of "Local jobs created" the following definition:—

"Marine science technology company," a business engaged in research, exploration, operations, monitoring, or defense in marine settings. This term shall include contract manufacturers engaged in the production of these products for a marine science technology company.

SECTION 58. Said section 67D of said chapter 62C, as so appearing, is hereby further amended by inserting after the word "respectively", in line 68, the following words:— or direct manufacturing or professional services performed by an employee of a marine science technology company during a calendar year that consists of research, exploration, operations, monitoring, or defense in a marine setting.

SECTION 59. Chapter 63 of the General Laws is hereby amended by inserting after section 31K the following section:-

Section 31L. (a) As used in this section the following words shall, unless the context otherwise requires, have the following meanings:-

"Department", the department of revenue.

"Medical device", an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including a component part or accessory, which is recognized in the official National Formulary or the United States Pharmacopoeia, or any supplement thereto, intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease in humans or other animals, and which does not achieve any of its primary intended purposes through chemical action within or on the body of a human or other animals and which is not dependent upon being metabolized for the achievement of its primary intended purposes.

"Medical device company", (1) a domestic corporation organized under or subject to chapter 156B or chapter 156D, (2) a limited liability company organized under chapter 156C and otherwise subject to this chapter, or (3) a corporation, organization or association, established, organized or chartered under laws other than those of the commonwealth and otherwise subject to this chapter and, in each case, which has a usual place of business within the commonwealth wherein medical devices are developed or manufactured.

"Medical device tax credit", the tax credit established pursuant to this section that the medical device company generated but was unable to claim as of the close of the last taxable year for which a return was filed because of limited tax liability.

"Private financial assistance", the proceeds of the sale of available tax credits pursuant to this section.

"User fees", the monetary amount actually paid by a medical device company to the United States Food and Drug Administration during the taxable year for a pre-market approval to market new technologies developed or manufactured in the commonwealth or for a clearance pursuant to section 510(k) of the Federal Food, Drug, and Cosmetic Act 21 U.S.C. 360e and 360 to market upgrades, changes or enhancements to existing technologies that are developed or manufactured in the commonwealth as stipulated in United States Public Law 107-250, the Medical Device User Fee and Modernization Act.

(b) There shall be allowed to any medical device company as a credit against the tax liability imposed under this chapter an amount equal to 100 per cent of the cost of user fees paid by such medical device company during the taxable year for which the tax is due.

(c) The department shall establish a medical device tax credit transfer program to allow medical device companies doing business in the commonwealth with unused medical

device tax credits to transfer such credits for use by a purchasing company in exchange for private financial assistance to be provided by such company to assist in the funding of costs incurred by the medical device companies. The private financial assistance shall be used to fund expenses incurred in connection with the operation of the medical device company in the commonwealth, including costs associated with fixed assets, such as the construction and acquisition and development of real estate, materials, start-up, tenant fit-out, working capital, salaries, research and development expenditures, and any other expenses determined by the department to be necessary to carry out the purposes of the program. A medical device company that wishes to participate in the program shall file an application with the department on a form prescribed by the department that sets forth the medical device tax credit amounts eligible for transfer, the use to which the medical device company intends to put the private financial assistance to be provided the identity of the purchasing company, the amount of the financial assistance to be provided, and such other information as the department may require. No such medical device tax credits may be surrendered unless the purchasing company provides financial assistance in an amount at least equal to 75 per cent of the medical device tax credit amounts eligible to transfer. The department shall review such application and, if the proposed transfer meets the requirements of this section the department shall issue, upon receipt of a notarized statement signed under the pains and penalties of perjury by an authorized representative of the medical device company that the purchasing company has provided the specified financial assistance, a certificate to the purchasing company reflecting the medical device tax credit amounts transferred, a copy of which shall be attached to each tax return by a purchasing company in which such medical device tax credits are used. The purchasing company shall treat the medical device tax credit amounts purchased under the program as a credit against its excise under this chapter. The purchasing company must use the medical device tax credit amounts in tax returns filed within 5 years of the issuance of the certificate, after which period the credits will expire. The purchasing company may not use the medical device tax credit amounts to reduce the excise tax to less than the amount due under subsection (b) of section 32, or subsection (b) of section 39. No medical device company surrendering medical device tax credits under the program may use the benefits to reduce its tax liability under this chapter.

(d) The commissioner shall promulgate rules and regulations relative to the administration and enforcement of this section.

SECTION 60. The definition of "Manufacturing corporation" in paragraph (1) of subsection (l) of section 38 of said chapter 63, as so appearing, is hereby amended by adding the following sentence:- Any operation manufacturing, in substantial part, value-added agricultural products shall be considered a manufacturing corporation.

SECTION 61. Said paragraph (1) of said subsection (l) of said section 38 of said chapter 63, as so appearing, is hereby further amended by adding the following definition:-

"Value-added agricultural products" shall be defined as any products of "farming" or "agriculture", as defined in section 1A of chapter 128, which have increased in market value due to some process other than packaging. Value-added agricultural products shall in-

clude, but not be limited to, the following: cheese, butter, buttermilk, yogurt, cream, ice cream, fruit preserves, fruit juices, fruit sauces, fruit syrups, dried fruit, seeded fruits, peeled or chopped fruit and vegetables, processed fruit and vegetables, salads, maple syrup, maple candy, honey and all apicultural products, horticulture nursery and greenhouse products, topiary plants, bacon, sausage, lard, dried or smoked meat, and wool as well as fish, seafood, and other aquatic products.

SECTION 62. Subsection (a) of section 38N of said chapter 63, as so appearing, is hereby amended by striking out the second, third and fourth paragraphs and inserting in place thereof the following paragraph:-

As used in this paragraph, "EACC" means the economic assistance coordinating council established by section 3B of chapter 23A. A credit allowed under this section may be taken only after the taxpayer completes a report signed by an authorized representative of the corporation, and files the report with the EACC within 2 years after the initial project certification by the EACC and annually thereafter. The EACC shall certify that property eligible for the credit is a certified project within the economic opportunity area as defined in said section 3E of said chapter 23A and wholly within an area designated as an economic target area pursuant to section 3D of said chapter 23A, and that the certified project reasonably satisfies the employment projections specified in the original project proposal. Based upon the information provided in the report and its own independent investigation, the EACC shall determine whether the certified project is in compliance with the definition of certified project set forth in this section and whether the project has a reasonable chance of increasing employment opportunities as advanced in the initial proposal as certified by the EACC. If the EACC determines that the certified project is no longer in compliance, then the EACC shall revoke certification of the project as provided in section 3F of said chapter 23A and notification of decertification shall be given to the commissioner of revenue who shall disallow any future credits under this section. If the project is considered decertified for reasons of fraud or material misrepresentation, as determined by the EACC and the commissioner of revenue, the commissioner shall have a cause of action against the controlling business of the project for the value of any economic benefits received, including, but not limited to, the amount of the tax credit allowed under this section. Nothing in this section shall limit the authority of the commissioner to make adjustments to a corporation's liability upon audit.

SECTION 63. Section 38Q of said chapter 63, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:—

(a) A domestic or foreign corporation or limited liability corporation or nonprofit organization which commences and diligently pursues an environmental response action on or before August 5, 2011 and which achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the regulations promulgated thereunder which includes an activity and use limitation shall, at the time such permanent solution or remedy operation status is achieved, be allowed a base credit of 25 per cent of the net response and removal costs incurred between August 1, 1998 and January 1, 2012 for any

property it owns or leases for business purposes and which is located within an economically-distressed area as defined in section 2 of chapter 21E; provided, however that these costs shall be not less than 15 per cent of the assessed value of the property prior to remediation; provided further, that the site shall have been reported to the department of environmental protection; and provided further, that a credit of 50 per cent of such costs shall be allowed for any such corporation which achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the Massachusetts Contingency Plan provided in 310 CMR 40.00, which does not include an activity and use limitation. Only a domestic or foreign corporation, limited liability corporation or nonprofit organization that is an eligible person, as defined in section 2 of said chapter 21E, and not subject to any enforcement action brought pursuant to said chapter 21E, shall be allowed a credit.

Any credit allowed under this subsection may be taken only after a response action outcome statement or remedy operation status submittal has been filed with the department of environmental protection as set forth in said Massachusetts Contingency Plan.

SECTION 64. Said section 38Q of said chapter 63, as so appearing, is hereby further amended by adding the following 2 subsections:—

(g) All or any portion of tax credits issued in accordance with this section may be transferred, sold or assigned to a taxpayer with a liability under this chapter or chapter 62 or to a nonprofit organization. A corporation or nonprofit organization desiring to make a transfer, sale or assignment shall submit to the commissioner a statement which describes the amount of the Massachusetts environmental response action tax credit for which such transfer, sale or assignment of Massachusetts environmental response action tax credit is eligible. Such a corporation or nonprofit organization shall provide appropriate information so that the environmental response action tax credit can be properly allocated. The commissioner shall issue a certificate to the party receiving the environmental response tax credit reflecting the amount of tax credit received, a copy of which shall be attached by the party receiving the environmental response tax credit to each tax return in which the tax credits are used.

(h) The commissioner shall annually, not later than September 1, file a report with the house and senate committees on ways and means, the joint committee on community development and small businesses and the joint committee on economic development and emerging technologies identifying the total amount of tax credits claimed pursuant to this section and the total amount of tax credits transferred, sold or assigned pursuant to this section in the preceding fiscal year.

SECTION 65. Subparagraph (i) of paragraph (1) of subsection (b) of section 38R of said chapter 63, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The commissioner, in consultation with the Massachusetts historical commission, shall authorize annually, for the 6 year period beginning January 1, 2006, and ending December 31, 2011, under this section together with section 6J of chapter 62, an amount not to exceed $50,000,000 per year.

SECTION 66. Chapter 138 of the General Laws is hereby amended by inserting after section 18B the following section:—

Section 18C. (a) The commission may issue to an individual who is both a citizen and resident of the commonwealth or to a corporation organized under the laws of the commonwealth whose directors are all citizens of the United States and a majority of them residents of the commonwealth, or to a limited liability company or limited liability partnership organized under the laws of the commonwealth whose members are all citizens of the United States and a majority of them residents of the commonwealth, a license to import alcoholic beverages into the commonwealth for use only in connection with the manufacture of food products, including ice cream. Nothing in this section shall authorize the holder of an importer's license issued under this section to sell alcoholic beverages as he is licensed to import only, or to export alcoholic beverages from the commonwealth into any other state or into a foreign country. A vote in a city or town pursuant to section 11 shall not prevent the granting or renewal of a license under this section. All alcoholic beverages purchased by a licensee under this section, and all alcoholic beverages shipped into the commonwealth pursuant to any such purchase, shall be warehoused at the warehouse facilities of the licensee and held in his physical possession at the warehouse. An importer under this section shall keep such records as the commission may prescribe and shall file with the commission, as often as it may require, duplicates or copies of those records. The commission shall have, at all times through its designated officers or agents, access to all books, records and other documents of each licensed importer relating to the licensee's importer business.

(b) The annual license fee for each importer under this section shall be computed based on the gallonage imported by the importer as follows:

5000 gallons or less per year: $22 per year

More than 5000 gallons but not more than 20,000 gallons per year: $44 per year

More than 20,000 gallons but not more than 100,000 gallons per year: $82 per year

More than 100,000 gallons but not more than 200,000 gallons per year: $110 per year

More than 200,000 gallons but not more than 1,000,000 gallons per year: $110 per year

Each additional 1,000,000 gallons per year: $111 per year.

(c) An applicant for an importer license under this section shall, at the time of filing an application, pay a fee based on a reasonable estimate of the amount of alcoholic beverages to be imported during the year covered by the license. A person holding an importer license under this section shall report annually at the end of the year covered by the license the amount of alcoholic beverages imported during that year. If the total amount actually imported exceeds the estimated amount on which the fee was based, the licensee shall pay an additional fee based on the excess.

SECTION 67. Section 21 of said chapter 138, as so appearing, is hereby amended by striking out, in lines 6 and 10, the words "section seventy-six" and inserting in place thereof the words:- sections 18C and 76.

SECTION 68. Section 29 of chapter 151A of the General Laws, as so appearing, is hereby amended by striking out, in line 125, the words "the Social Security Act or".

SECTION 69. Paragraph (6) of subsection (d) of said section 29 of said chapter 151A, as so appearing, is hereby amended by adding the following sentence:— Payments received under the Social Security Act shall not be subject to this paragraph.

SECTION 70. The first paragraph of section 9 of chapter 161A of the General Laws, as so appearing, is hereby amended by striking out the sixth sentence and inserting in place thereof the following sentence:— Beginning on July 1, 2001, a city or town that is also a member of a regional transit authority or that at any time joins a regional transit authority shall have 100 per cent of the amount assessed for the operation of the regional transit authority credited against its share of the assessment made under this section; provided, however, that the amount credited shall not exceed the total amount of the assessment.

SECTION 71. Section 3 of chapter 161B of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

Any city or town, or group or combination of cities or towns, other than a city or town included in the Massachusetts Bay Transportation Authority in which the Authority operates a fixed bus service, may, upon compliance with this section and with the approval of a city manager in the case of a city under a Plan E form of government, the mayor and city council in the case of all other cities, or the board of selectmen in the case of a town, be made into a body politic and corporate and a political subdivision of the commonwealth under the name of the municipality within the new authority having the greatest population, or under any other appropriate regional name agreed to by a majority of the member municipalities, and followed by the words "Transit Authority".

SECTION 72. Said section 3 of said chapter 161B, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:—

Any city or town, or group or combination of cities or towns, other than a city or town included in the Massachusetts Bay Transportation Authority in which the Authority operates fixed route bus service or is in an authority established pursuant to section 14 may, with the approval of a city manager in the case of a city under a Plan E form of government, the mayor and city council in the case of all other cities, or the board of selectmen in the case of a town and subject to the approval of the advisory board to a regional transit authority, join an authority which is not separated from the city or town or group or combination of cities and towns by more than 1 other municipality.

SECTION 73. Section 25A of chapter 166 of the General Laws, as so appearing, is hereby amended by inserting after the word "telegraph," in line 10 the following words:- wireless communication,.

SECTION 74. Said section 25A of said chapter 166, as so appearing, is hereby amended by inserting after the definition of "Usable Space" the following definition:-

"Wireless provider", any person, firm or corporation other than a utility, which provides telecommunications service.

A utility shall provide a wireless provider with nondiscriminatory access to any pole or right-of-way used or useful, in whole or in part, owned or controlled by it for the purpose of installing a wireless attachment. Notwithstanding this obligation, a utility may deny a wireless provider access to its poles, ducts, conduits, or rights-of-way, on a nondiscriminatory basis only for reasons of inadequate capacity, safety, reliability and generally applicable engineering standards; but upon denial of access for reasons of inadequate capacity, the utility shall, at the expense of the wireless provider, expand the capacity of its poles, ducts, conduits, or rights-of-way to allow access by the wireless provider where such capacity may be reasonably expanded by rearrangement or replacement. This paragraph shall not apply to municipal lighting plants.

SECTION 75. Said section 25A of said chapter 166, as so appearing, is hereby further amended by inserting after the word "services", in line 31, the following words:- and wireless telecommunications services.

SECTION 76. Section 11 of chapter 614 of the acts of 1968, as most recently amended by section 4 of chapter 268 of the acts of 1980, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— In the discretion of the authority, any revenue bonds issued under the provisions of this act may be secured by a trust agreement by and between the authority and a corporate trustee or trustees, which may be any trust company or bank chartered or incorporated in the United States and having the powers of a trust company or bank.

SECTION 77. Said section 11 of said chapter 614, as most recently amended by said section 4 of said chapter 268, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following:— Any bank or trust company or such savings bank which may act as depository of the proceeds of bonds or of such revenues or other moneys may furnish such indemnity bonds or pledge such securities as may be required by the authority.

SECTION 78. Section 25 of chapter 175 of the acts of 1998, as most recently amended by section 8 of chapter 45 of the acts of 2005, is hereby further amended by striking out the figure "2008" and inserting in place thereof the following figure:— 2010.

SECTION 79. Sections 1 to 13B, inclusive, of chapter 208 of the acts of 2000 are hereby repealed.

NO SECTION 80.

SECTION 81. Section 2 of chapter 45 of the acts of 2005 is hereby amended by striking out item 4401-1100 and inserting in place thereof the following item:-

4401-1100 Notwithstanding any general or special law to the contrary, the department of transitional assistance may expend reimbursements received from the United States Department of Agriculture for food stamp employment and training programs as

provided in section 2B of chapter 18 of the General Laws; provided, that the department shall expend the equivalent of $3,000,000 in such revenue received from employment and training services provided by or under contract with said department, the department of mental health, the department of mental retardation and the Massachusetts rehabilitation commission, plus any federal funds received for food stamp outreach and any federal bonuses, on employment and training services provided to recipients and former recipients of transitional aid to families with dependent children $20,000,000

SECTION 82. Item 7002-0100 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; provided, that the department of workforce development shall provide the funds necessary to carry out the activities of the workforce development task force, established pursuant to section 11 of chapter 23H of the General Laws.

SECTION 83. Said section 2 of said chapter 45 is hereby further amended by striking out item 7003-0605 and inserting in place thereof the following:—

7003-0605 For the operation and maintenance of the Massachusetts Manufacturing Extension Partnership for the purpose of maintaining and promoting manufacturing as an integral part of the Massachusetts economy and for programs designed to assist small and mid-sized manufacturing companies; provided, that not less than $306,666 shall be made available for the operation and maintenance of the Innovation Program at the Massachusetts Manufacturing Extension Partnership; provided further, that not less than $250,000 shall be made available for the Supply Chain Initiative at the Massachusetts Manufacturing Extension Partnership; and provided further that not less than $150,000 shall be made available for the Regional Employment Board of Hampden County for a pilot program for precision machining training 1,556,666

SECTION 84. Item 7003-0702 of said section 2 of said chapter 45 is hereby further amended by striking out the words "that not less than $300,000 shall be expended to provide employment, training and job placement by Year Up of Boston" and inserting in place thereof the following words:— that not less than $600,000 shall be expended to provide employment, training and job placement by Year Up of Boston.

SECTION 85. Said item 7003-0702 of said section 2 of said chapter 45 is hereby further amended by adding the following words:— and provided further, that not less than $200,000 shall be transferred to the Falmouth Economic and Development Corporation for the creation of the Regional Technology Development Center of Cape Cod.

SECTION 86. Said section 2 of said chapter 45 is hereby further amended by striking out item 7003-0803 and inserting in place thereof the following item:—

7003-0803 For one-Stop Career Centers chartered by local workforce investment boards are a major source of information, training and labor exchange and job placements in Massachusetts. Each career center shall inform unemployed or underemployed residents and individuals with low educational skill levels or limited English proficiency who seek assistance from the center of the full range of education and training programs that are available to them and recipients of transitional aid to families with dependent children benefits who seek assistance from the center, the availability of jobs in the professions for which such programs prepare participants, and the average wage rates in such professions within the commonwealth; provided, that such information shall encompass certified nurses aide training programs, job availability and wage rates. The department of workforce development shall conduct an annual evaluation of the use of one-stop career centers including, but not limited to, the numbers of individuals and employers served in each region; the services provided by each one stop career center; the number of persons served by and costs of operating the connecting unemployment insurance claimant initiative in one-stops; the costs of providing each person served the range of one stop career services; provided further, the department shall provide an analysis of the level of funds needed to adequately support the services at one-stop career centers. The director shall annually, by September 31, report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development on the status of the evaluation herein required and the allocation of said funds. Said appropriation shall support the operations of existing one-stop career centers 6,000,000

SECTION 87. Item 7004-0099 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; and provided further, that not less than $75,000 shall be expended for an urban renewal plan for the city of Gardner.

SECTION 88. Item 7007-0900 of said section 2 of said chapter 45 is hereby amended by inserting after the words "the commonwealth's lost international market share"

the following words:— ; provided further that not less than $90,000 of said grant shall be used for the development of a joint marketing and branding program in conjunction with the Massachusetts International Trade Council to promote and market Massachusetts as a location for foreign direct investment and international business opportunity.

SECTION 89. Said item 7007-0900 of said section 2 of said chapter 45 is hereby further amended by adding the following words:- ; provided further, that not less than $250,000 shall be expended for Sail Boston and Sail Massachusetts 2007 public safety and marketing expenses, subject to 1:1 matching requirements; provided further, that not less than $350,000 shall be expended for fixed and public safety costs for the Head of the Charles Regatta; provided further; that not less than $1,000,000 shall be expended for Old Sturbridge Village to implement its strategic plan for the upgrade of technology, transportation, exhibits and visitor activities; provided further, that not less than $1,000,000 shall be transferred to the city of Pittsfield to assist with the development of the Pittsfield Cinema Center; provided further, that not less than $500,000 shall be transferred to the Shirley Shaker Village for the preservation of its deteriorating buildings; provided further, that not less than $250,000 shall be expended for an educational tourism program, modeled on the Campus Visit Partnership program in Pennsylvania, subject to 1:1 matching requirements; provided further, that not less than $300,000 shall be transferred to the city of Pittsfield for the restoration of Pittsfield's Historic Gateway; provided further, that not less than $250,000 shall be expended for restoration of the schooner Ernestina; provided further, that not less than $100,000 shall be transferred to the Hancock Shaker Village; provided further, that a one-time grant of $500,000, subject to a 1:1 match, be awarded to the North Shore Music Theatre for restoration of the theatre; provided further, that not less than $200,000 shall be expended for the reconstruction of the pier facilities at the Maritime Heritage Center in the city of Gloucester; provided further, that $75,000 shall be transferred to the Plymouth County Convention and Visitors Bureau for the implementation of a new website; provided further, that $50,000 shall be transferred to the Thornton W. Burgess Society for the construction of a new education building; provided further, that $250,000 shall be transferred to the Boston Harbor Island Alliance for costs associated with the new visitor contact station known as the Harbor Park Pavilion on Parcel 14 of the Rose Kennedy Greenway; provided further, that not less than $150,000 shall be expended for City Stage in the city of Springfield; and provided further, that not less than $100,000 shall be expended for certain payments for the maintenance and use of the Trailside Museum and the Chickatawbut Hill center; provided further, that $15,000 shall be transferred to the town of Spencer for the installation of markers at historic sites; provided further, that not less than $200,000 shall be expended for the repair of Victorian street lighting within the state-recognized historic district of downtown Melrose; provided further, that not less than $250,000 shall be expended for the Hopkinton Athletic Association for facilitation, promotion, and coordination of trade and tourism activities in connection with the international "Running for the Human Race" project; provided further that not less than $150,000 shall be expended for the creation of an economic development plan in the city of Gloucester; provided further,

that $100,000 shall be expended for the purposes of a federally-funded grant entitled, the Essex National Heritage Commission Cooperative Agreement; and provided further, that not less than $250,000 shall be expended for the Plimoth Plantation for the creation of a new brand identity.

SECTION 90. Said section 2 of said chapter 45 is hereby further amended by striking out item 7007-1300 and inserting in place thereof the following item:-

7007-1300 For the operation of the Massachusetts International Trade Council, for the purpose of enhancing global market penetration for product exports, service exports and technology transfer by Massachusetts businesses and institutions, and for the promotion of Massachusetts as a location for foreign direct investment; provided that not more than $100,000 shall be used for trade show programs enhancing regional small and medium enterprise participation at foreign trade shows in concert with regional economic development agencies; provided further, that not more than $60,000 shall be applied as a 25 per cent match to the European Commission's Research and Innovation Fund for the operation of a technology commercialization center in Massachusetts; provided further, that not more than $100,000 shall be used for the establishment of two additional foreign trade representative agency offices; provided further, that not more than $120,000 shall be spent toward the establishment of a foreign direct investment foundation to coordinate the resources of public and private institutions in promoting Massachusetts as a location for foreign direct investment; provided further, that not more than $180,000 shall be used to plan and implement two Massachusetts foreign trade missions to be coordinated with Massachusetts based industry councils or associations; provided further, that not more than $50,000 shall be spent for a trade mission coordinator and industry council liaison; provided further, that not more than $30,000 will be transferred to the Donahue Institute at the University of Massachusetts to study the feasibility of establishing a Center for International Trade at the University in conjunction with United States Department of Education programs; provided further, that not more than $25,000 shall be used for the implementation of bilateral technology transfer programs with foreign regional economic development entities; and provided further, that not more than $120,000 to be transferred to the Massachusetts Export Center to develop and

implement a regionally based support program to assist high potential export industry clusters 1,895,000
Tourism Fund 50.6%
General Fund 49.4%

SECTION 91. Said section 2 of said chapter 45 is hereby further amended by striking out item 7027-0019 and inserting in place thereof the following item:—

7027-0019 For school to career connecting activities; provided, that notwithstanding any general or special law to the contrary, the board of education, in cooperation with the department of workforce development, and the state workforce investment board, may establish and support a public-private partnership to link high school students with economic and learning opportunities on the job as part of the school-to-work transition program; provided further, that such program may include the award of matching grants to workforce investment boards or other local public-private partnerships involving local community job commitments and work site learning opportunities for students; provided further, that the grants shall require at least a 200 per cent match in wages for the students from private sector participants; provided further, that the program shall include, but not be limited to, a provision that business leaders commit resources to pay salaries, to provide mentoring and instruction on the job and to work closely with teachers; and provided further, that public funds shall assume the costs of connecting schools and businesses to ensure that students serve productively on the job 7,129,687

SECTION 92. Said section 2 of said chapter 45 is hereby further amended by striking out item 7027-0016 and inserting in place thereof the following item:-

7027-0016 For matching grants for various school-to-work programs; provided, that the board of education shall establish guidelines for such programs in consultation with the department of workforce development; provided further, that any funds distributed from this item to cities, towns or regional school districts shall be deposited with the treasurer of the city, town, or regional school district and held in a separate account and shall be expended by the school committee without further appropriation, notwithstanding any general or special laws to the contrary; provided further, that each grant awarded herein shall be matched by the recipient from local, federal, or private funds; provided further, that the

board of education may determine the percentage match required on an individual grant basis; provided further, that the department of education shall make available a payment of $734,400 for the state's matching grant for the CS-squared program at the Commonwealth Corporation; provided further, that the department of education shall make available a payment of $1,092,191 to Jobs for Bay State Graduates, Inc., for the purpose of school-to-work activities; provided further, that the department of education shall make available a payment of $42,975 to the Blue Hills regional vocation school for the School to Careers Partnership to fund a teacher externship program and a student internship program; provided further, that $250,000 shall be expended for a pilot program that targets at-risk youth, Amer-I-Can and provided further, that of this $250,000, funds may be expended for the administration of this program in Springfield; provided further, that not less than $50,000 shall be expended for the Diploma Plus Program at Cape Cod Community College; provided further, that $1,500,000 shall be expended for a workforce development program within the city of Boston at the John D. O'Bryant High School, designed to operate in collaboration with the medical and academic institutions located in Boston's Longwood area of said city and the Medical Academic Scientific Community Organization; provided further, that $250,000 shall be expended for the costs associated with the planning and design of a new Essex North Shore Agricultural and Technical School in the town of Danvers; and provided further, that not less than $350,000 shall be made available to Junior Achievement of Eastern Massachusetts for the expansion and delivery of in-school and after-school community based workforce development programs for at-risk and under-served students in Massachusetts; provided further, that $350,000 shall be expended for a pilot program targeting Roxbury/Mission Hill/Dorchester residents, including veterans, for a workforce development recruiting and training program center at Roxbury Community College in collaboration with community based organizations and medical and academic institutions in the Longwood area of the city and the Medical Academic and Scientific Community Organization Inc. 4,619,566

SECTION 93. Said section 2 of said chapter 45 is hereby further amended by striking out item 7035-0002 and inserting in place thereof the following item:-

7035-0002 For grants to provide and strengthen adult basic education services, including reading, writing and mathematics, and English language learning, to a diverse network of organizations which have demonstrated commitment and effectiveness in the provision of such services, and that are selected competitively by the department of education; provided, that such grants shall support the successful transition of students from the most basic levels of literacy and English language proficiency to levels of skills and ability needed for parents to assume their role as full partners in their children's education, as citizens, and to successfully transition to community college certificate and degree granting programs and employment opportunities and advancement in the workplace; provided further, that such grants shall be contingent upon satisfactory levels of performance as defined and determined by the department; provided further, that in no case shall grants be considered an entitlement to a grant recipient; provided further, that the department shall consult with the community colleges, workforce boards and other service providers in establishing and implementing content, performance and professional standards for adult basic education programs and services; provided further that these funds shall be used to expand access to these services, reduce the waiting lists for such services and better connect these services to skills and occupational training including workplace based and worker education programs and pathways to higher education, integrated family literacy and family support and citizenship preparation; provided further, there shall be established the Adult Basic Education Advisory Committee which shall provide general oversight and make recommendations to the commissioner and the board of education regarding how funding for this program shall be apportioned. The Committee shall be appointed by the commissioner and shall include a minimum of 1 representative of the Massachusetts Coalition for Adult Education, 1 representative of the Massachusetts Workforce Board Association, 1 representative of the Massachusetts Alliance for Adult Literacy, 1 representative of the ABE Directors Council, 1 representative

of the Massachusetts Institute for a New Commonwealth, 1 representative of the Massachusetts AFL-CIO to be selected by the President of the Massachusetts AFL-CIO; 1 representative appointed by the commissioner of the department of workforce development, and 1 representative of the board of higher education. The commissioner shall convene the advisory committee at least quarterly; and provided further that not more than 7.5 per cent of the funds appropriated herein may be expended for administrative purposes $32,322,628

SECTION 94. Notwithstanding any general or special law to the contrary, the comptroller shall transfer, not less than 10 days after the effective date of this act, the amount of $10,000,000 from the General Fund to the Emerging Technology Fund, established pursuant to section 27 of chapter 23G of the General Laws.

SECTION 95. Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer $30,000,000 from the General Fund to the Brownfields Redevelopment Fund established pursuant to section 29A of chapter 23G of the General Laws; provided however, that not more than $1,200,000 of this amount shall be used by the Massachusetts Development Finance Agency to fund a pilot program for grants, not to exceed $350,000 per project, to be used for asbestos and lead paint abatement; provided, however, that not more than $200,000 of said $1,200,000, shall be used to study the efficacy, the continued need for, and the potential costs of extending said pilot program; and provided further, that the Massachusetts Development Finance Agency shall provide a detailed written report of its findings following said study no later than July 31, 2007 to the house and senate chairs of the committee on ways and means, the chairs of the joint committee on community development and small business and the chairs of the joint committee on economic development and emerging technologies.

SECTION 96. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer $13,000,000 from the General Fund to the Massachusetts Cultural Facilities Fund established pursuant to section 42 of chapter 23G of the General Laws.

SECTION 97. Notwithstanding any general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer from the General Fund to the Workforce Competitiveness Trust Fund established pursuant to section 2WWW of chapter 29 of the General Laws an amount equal to the workforce training contributions required by section 14L of chapter 151A of the General Laws and collected in each fiscal year pursuant to said requirements; provided, however, that said transfer shall not be less than $11,000,000; provided, further, that not less than $1,000,000 shall be provided for grants to providers of workforce development and job skills training services for projects benefiting older adults.

SECTION 98. Notwithstanding any other general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer $4,000,000 from the

General Fund to the Massachusetts Science, Technology, Engineering and Mathematics Grant Fund established pursuant to section 2MMM of chapter 29 of the General Laws.

SECTION 99. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer $1,500,000 from the General Fund to the Educational Rewards Grant Program Fund established pursuant to section 2SSS of chapter 29 of the General Laws.

SECTION 100. Notwithstanding any other general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer $1,000,000 from the General Fund to the CITI Fund established pursuant to section 2TTT of chapter 29 of the General Laws.

SECTION 101. Notwithstanding any general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer $2,500,000 from the General Fund to the Scholar-Internship Match Fund established pursuant to section 2UUU of chapter 29 of the General Laws.

SECTION 102. Notwithstanding any other general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer $10,000,000 from the General Fund to the Massachusetts Research Center Matching Fund established pursuant to section 4F of chapter 40J of the General Laws.

SECTION 103. Notwithstanding any general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer $10,000,000 from the General Fund to the Massachusetts Life Sciences Investment Fund established pursuant to section 5 of chapter 23I of the General Laws.

SECTION 104. Notwithstanding any general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer $1,000,000 from the General Fund to the Wireless Broadband Development Fund established pursuant to sub-section (b) of section 6B of chapter 40J of the General Laws. Said funds shall be administered by executive director of the wireless and broadband development council, subject to the approval of said council, and in a manner consistent with the duties of the director of wireless and broadband development established pursuant to section 3 of chapter 23A of the General Laws; provided further, that within 9 months of the effective date of this act, said wireless and broadband development council shall submit an initial report to the governor, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, and the chairs of the joint committee on telecommunications, utilities and energy examining the current state of access to wireless, cellular and broadband internet services across the commonwealth. Said report shall include, but not be limited to, the following:

(i) a comprehensive needs assessment for wireless and broadband access in each county and municipality, taking into consideration the needs and demands of businesses, residents, consumers and public safety officials; (ii) an examination and evaluation of programs in communities with existing wireless internet and broadband capabilities; (iii) policy options

at the state, county and municipal level to provide expanded or universal wireless access; (iv) the costs and potential funding mechanisms to pay for such policy options, including funding from commonwealth appropriations, county and local appropriations, private assessments or taxes, and other funding options; (v) identification of physical boundaries and "last-mile" areas that would require special solutions in gaining access to wireless and broadband services; (vi) identification of open dark fiber and telecom towers owned by the commonwealth, contracted or non-contracted telecommunications companies in the commonwealth; (vii) identification of any state law or regulation that hinders or affects the expansion of wireless and broadband communications services in the state; (viii) an analysis of best practice initiatives in other cities and states to expand wireless access and a subsequent analysis of which similar approaches would be appropriate in the commonwealth; and (ix) specific steps required to implement any policy options recommended by the council.

SECTION 105. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer not less than $3,000,000 from the General Fund to the Massachusetts Technology Transfer Center established pursuant to section 45 of chapter 75 of the General Laws; provided, that not less than $500,000 of this amount shall be made available as a one-time grant to the center for economic analysis and assessment within the McCormack Graduate School of Policy Studies' Center for State and Local Policy, $100,000 of which shall be expended by the center for economic analysis and assessment to commission a comprehensive manufacturing study from the Northeastern Center for Urban and Regional Policy; provided further, that the center for economic analysis and assessment shall seek a 1-to-1 match of non-state dollars to conduct the study; provided further, that the study shall investigate and document (1) the types of products that are manufactured in the commonwealth today; (2) where the products are made, by city or town; (3) the number of employees at each manufacturing site; (4) manufacturing trends; (5) existing linkages between suppliers and customers; (6) how technology and modern production processes are integrated into operations; (7) the reasons certain manufacturers are successful in the commonwealth; (8) the current impediments to successful manufacturing in the commonwealth; (9) how educational institutions support manufacturing; (10) and economic development policies that are successful in promoting manufacturing in the commonwealth; provided further, that the study shall be submitted to the house and senate committees on ways and means and the joint committee on economic development and emerging technologies no later than July 1, 2007.

SECTION 106. Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer $2,000,000 from the General Fund to the department of business and technology for grants administered by the department; provided, however, that not less than $2,000,000 shall be made available for grants to community development corporations, community development financial institutions, or non profit community based organizations for the purpose of providing technical

assistance or training programs to businesses with 20 employees or fewer; provided, however, that no single community development corporation, community development financial institution, or non profit community based organization shall receive a grant of more than $75,000 in any one fiscal year. The department shall annually, on or before December 31, file a report with the house and senate committees on ways and means, and the joint committee on economic development and emerging technologies.

SECTION 107. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out the provisions of section 2B, the state treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, $200,000,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Commonwealth Economic Investment Act of 2006, and shall be issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2030. All interest and payments on account of principal on such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 108. Notwithstanding any general or special law to the contrary, the University of Massachusetts may serve as the sole member of a new corporation to be formed under chapter 180 of the General Laws, to be named the Corporation for Advanced Manufacturing in Massachusetts, hereinafter referred to as the corporation. The corporation shall have all the powers permitted under said chapter 180, including without limitation: (1) receiving, taking title to, holding managing, developing, improving, demolishing, renovating, leasing for terms up to 99 years or otherwise transferring, conveying or dealing with any real or personal property conveyed or transferred to it; (2) operating, providing, managing, contracting or otherwise arranging for services related to advanced manufacturing in the commonwealth; (3) incorporating other corporations; (4) contracting or collaborating with other public and private entities relative to bio-manufacturing and nano-manufacturing; (5) promoting applied research in advanced technologies, including but not limited to bio-manufacturing and nano-manufacturing. The corporation, its directors and officers shall be entitled to all rights, privileges and immunities and shall be subject to all liabilities set forth in said chapter 180. Said corporation shall collaborate with the Massachusetts Life Sciences Center, established pursuant to chapter 23I of the General Laws, in order to develop a strategic plan for the purposes of enhancing advanced manufacturing in the commonwealth and promoting life sciences in Massachusetts.

SECTION 109. Notwithstanding any general or special law to the contrary, there shall be a special commission to study what economic incentive would be created by criteria intended to provide enhanced access to the commonwealth's MassHealth preferred drug list for in-state pharmaceutical companies. The special commission shall consider the potential

benefit to the commonwealth of offering such enhanced access to in-state affiliates of out-of-state pharmaceutical companies whether or not those affiliates manufacture drugs in the commonwealth. The commission shall examine the current criteria that the office of Medicaid uses to determine access to the preferred drug list and shall determine whether the office has taken any action that unduly restricts access to drugs that are manufactured by in-state pharmaceutical companies. The commission shall recommend policies for the office that will encourage drug companies to locate facilities in Massachusetts and create jobs, which will provide economic stimulus to the commonwealth. The commission will conduct a cost benefit analysis to determine if there will be a savings or an added cost to the commonwealth by adding drugs to the Mass Health preferred drug list produced by in-state pharmaceutical companies and shall determine if any added cost could be reduced or eliminated by applying a voluntary price neutralization factor from the pharmaceutical company. The net effect shall be measured against the positive economic impact of corporate investments, jobs and tax revenue generated by said companies. The commission shall also examine the legal implications of implementing preferential access for only in-state pharmaceutical companies to the state's preferred drug list.

The special commission shall consist of: the secretary of the executive of office of administration and finance or his designee; the secretary of the executive office of health and human services or his designee; the secretary of the executive office of economic development or his designee; the president of the senate or his designee; the speaker of the house of representatives or his designee; and 2 members of the Massachusetts biotechnology council to be appointed by the governor, 1 of whom shall be a representative of a company with no fewer than 300 employees. The special commission shall report to the general court the results of its investigation and study, together with recommendations and drafts of legislation necessary to carry out any recommendations, by filing the report with the clerks of the senate and the house of representatives on or before December 31, 2006.

SECTION 110. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Technology Park Corporation, established pursuant to chapter 40J of the General Laws, shall establish a program for the purposes of awarding grants to qualified manufacturers for the purpose of promoting defense industry-related technology development in southeastern Massachusetts. The corporation shall award such grants to qualified manufacturers for the purpose of assisting with the expansion or upgrading of existing manufacturing facilities located in southeastern Massachusetts to promote the development of new technologies and economic activity in the region. The corporation, in consultation with the southeastern regional planning and economic development district, established pursuant to section 9 of chapter 40B of the General Laws, shall develop rules for the administration of the grant program which shall set forth the terms, procedures, standards and conditions which the corporation shall employ to award the grants. The rules shall define qualified manufacturers as manufacturers who manufacture microdisplays for defense and related industries and who employ at least 100 employees in southeastern Massachusetts. The corporation shall submit an annual report no later than December 31st to the house and

senate committees on ways and means and to the joint committee on economic development and emerging technologies detailing the operations of the grant program and the amount of jobs created or preserved by said grant.

SECTION 111. Notwithstanding any general or special law, rule or regulation to the contrary, a certain parcel of land located on the northerly side of Medford street in the Charlestown section of the city of Boston is hereby eliminated as a Designated Port Area under 301 C.M.R. 25 and 310 C.M.R. 9 and any other applicable provision of the code of Massachusetts regulations. Said parcel is located at 267-281 Medford street in the Charlestown section of the city of Boston, assessor's parcel number 02-02750-000, contains approximately 30,470 square feet of land and is registered under certificate of title number 109069 in the Suffolk county registry of deeds.

Notwithstanding chapter 91 of the General Laws or any other general or special law, rule or regulation to the contrary, no waterways license pursuant to said chapter 91 shall be required for the construction, reconstruction, renovation, use or re-use of any building or structure, which is or may be: (a) constructed on present or former private tidelands filled under the authority of chapter 105 of the acts of 1852, chapter 481 of the acts of 1855 and chapter 334 of the acts of 1893; (b) located more than 500 feet from the current high water mark of the Mystic River; and (c) located on the parcel at 267-281 Medford street in the Charlestown section of the city of Boston.

SECTION 112. Notwithstanding any general or special law to the contrary, the department of conservation and recreation shall enter into a memorandum of agreement hereinafter referred to as MOA with the Boston Island Alliance, a duly authorized nonprofit organization dedicated to promoting awareness and usage of the Boston harbor islands national park area, to assist in the development and improvement of the Boston harbor islands. Notwithstanding sections 38A½ to 38O, inclusive, of chapter 7 and sections 44A to 44J, inclusive, of chapter 149 of the General Laws, and in accordance with procurement and construction guidelines as approved by the division of capital asset management and as set forth in the MOA, the MOA may extend for an initial period of not more than 30 years and may authorize the Boston Island Alliance to provide the following services: procurement, undertaking studies and designs, obtaining permits and entering into and managing contracts for construction and operations. The MOA may allow for the Boston Island Alliance to accept funds and directed grants from the department or on behalf of the department from another agency and such other services as the department shall determine to be appropriate. The MOA may permit the Boston Island Alliance to retain funds generated by its activities pursuant to the MOA so long as such funds are used for the further purposes and promotion of the islands owned by the commonwealth within the Boston harbor islands national park area.

SECTION 113. Notwithstanding any general or special law to the contrary, not more than 15 days after the effective date of this act, the executive director of the Boston Harbor Alliance shall begin filing semi-annual reports on the progress of the new visitor contact station with the chairpersons of the house and senate committees on ways and means,

the chairpersons of the joint committee on economic development and emerging technologies and the chairpersons of the joint committee on environment, natural resources and agriculture.

SECTION 114. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Agency," the Massachusetts Development Finance Agency established pursuant to section 2 of chapter 23G of the General Laws.

"Assessment parcel," a portion of the northpoint development district upon which a project component of the northpoint project shall be developed as more fully described in, or determined in accordance with, the assessment plan.

"Assessment plan," a detailed plan, as it may exist from time to time, as more fully described in paragraph (h) of this section, for assessment of the costs of infrastructure improvements financed by the agency in accordance with this section upon the benefited assessment parcels within the northpoint development district.

"Authority", the Massachusetts Bay Transportation Authority established pursuant to section 2 of chapter 161A of the General Laws.

"Bonds", when used in reference to the agency, any bonds, notes, debentures, interim certificates, or other financial undertakings for the purpose of raising capital, including, but not limited to, lines of credit, forward purchase agreements, investment agreements and other banking or financial arrangements, issued by or entered into by the agency pursuant to section 8 of chapter 23G of the General Laws.

"City," the city of Cambridge.

"Construction", means and includes both construction and acquisition and the term "to contract" means and includes both to construct and acquire.

"Costs", the cost of construction, the cost of acquisition of all lands, structures, rights of way, franchises, easements and other property rights and interests and related riparian or water rights, the cost of demolishing, removing or relocating any buildings, structures or utilities on any lands to which such buildings, structures or utilities may be moved or relocated, the cost of all labor, materials, machinery and equipment, financing charges, interest on all bonds prior to and during the Northpoint project and for a period not exceeding one year after completion thereof, the cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, other expenses necessary or incidental to determining the feasibility or practicability of the Northpoint project, administrative expenses, and such other expenses as may be necessary or incidental to the Northpoint, the financing thereof, placing of the same in operation and the issuance of bonds under this section, including but not limited to the establishment and funding of reserves to secure such bonds.

"Developer," NorthPoint Cambridge Land Company, LLC, and any successor thereto.

"Development plan," the northpoint final development master plan approved by the planning board of the city by a notice of decision issued March 11, 2003, as such plan may be amended or supplemented from time to time.

"Financing Document", an instrument entered into by the agency with one or more other persons pertaining to the issue or securing of bonds or the application to the purposes of the agency of proceeds of bonds or other funds of the agency. A financing document may include, but need not be limited to, a lease, installment sale agreement, conditional sale agreement, mortgage, loan agreement, trust agreement, security agreement, letter of credit, reimbursement agreement, or currency or interest rate swap agreement. A financing document may also be an agreement between the agency and a lending institution which has agreed to make a loan to a user to finance a project.

"Improvement", includes reconstruction, remodeling, rehabilitation, extension, enlargement and "to improve" includes to reconstruct, to remodel, to rehabilitate, to extend, to enlarge and to improve.

"Infrastructure assessments," amounts assessed by the agency upon assessment parcels within the northpoint development district as provided in paragraph (i) of this section to defray the costs of public infrastructure improvements financed by the agency in accordance with this section.

"Land exchange agreement," the development and land exchange agreement dated as of November 1, 2000, between the authority and Guilford Transportation Industries, Inc. as such agreement may be amended or supplemented from time to time.

"Northpoint development district," the several contiguous parcels of real property owned or leased by the developer in the city and in the cities of Somerville and Boston within which the northpoint project is being and shall be developed, as more fully described in the assessment plan.

"Northpoint project," the acquisition, construction, expansion, improvement and equipping of industrial, commercial, research and development, residential and other facilities, or any combination thereof, including facilities to be owned or leased by governmental entities, and all lands, buildings, and other structures, equipment and property forming a part thereof, located or to be located within the northpoint development district, and all public infrastructure improvements within or adjacent to the northpoint development district necessary or desirable for such project, as more fully described in the development plan and the land exchange agreement.

"Person", any natural or corporate person, including bodies politic and corporate, public departments, offices, agencies, authorities and political subdivisions of the commonwealth, corporations, trusts, societies, associations, and partnerships and subordinate instrumentalities of any one or more political subdivisions of the commonwealth.

"Project component," one or more buildings or structures to be acquired, constructed, rehabilitated or otherwise improved as a single unit or under common ownership or use as part of the northpoint project, as more fully described in, or determined in accordance with, the assessment plan.

"Public infrastructure improvements," facilities serving an essential governmental function owned or to be owned by the city or an agency or instrumentality thereof or the authority or any other agency or instrumentality of the commonwealth, as more fully described

in the development plan and the land exchange agreement, including without limitation streets, sidewalks, street lighting, landscaping, water and wastewater facilities, storm drainage systems, bridges, culverts, tunnels, rail and other transportation facilities, including the transit facilities described in the land exchange agreement, parking facilities, including garages, parks, playgrounds, and recreational facilities, and all similar facilities within or adjacent to the northpoint development district, and all real property or rights therein, and buildings, structures, equipment and other property forming a part thereof.

"Revenues", any receipts, fees, rentals or other payments or income received or to be received on account of obligations to the agency under a financing document including, without limitation, income on account of the leasing, mortgaging, sale or other disposition of a project or proceeds of a loan made by the agency in connection with any project and also including amounts in reserves or held in other funds or accounts established in connection with the issuance of bonds and the proceeds of any investments thereof, proceeds of foreclosure and any other fees, charges or other income received or receivable by the agency other than the industrial mortgage established pursuant to section 4 of chapter 23G of the General Laws with respect to a project or the financing thereof.

(c) In addition to the powers granted pursuant to chapter 23G and chapter 40D of the General Laws, the agency is hereby authorized to borrow money and issue and secure its bonds for the purpose of financing public infrastructure improvements within or adjacent to the northpoint development district as provided in, and subject to, the provisions of this section. For this purpose, except as otherwise provided herein, the provisions of said chapters 23G and 40D of the General Laws, as applicable to the agency, shall apply to bonds issued under this section, except that the provisions of section 12 of said chapter 40D shall not apply to bonds issued hereunder or to the public infrastructure improvements financed thereby. Public infrastructure improvements financed by the agency hereunder shall constitute a project within the meaning of section 1 of said chapter 23G and section 1 of said chapter 40D but shall not be considered facilities to be used in a commercial enterprise or an economic development project pursuant to said section 1 of said chapter 23G. The agency shall not be obligated to pay the principal or purchase price of, or premium, if any, or interest on bonds issued pursuant to this section except from the infrastructure assessments and other amounts pledged therefore pursuant to the provisions of said chapter 23G and said chapter 40D and this section, and neither the faith and credit of the agency nor the faith and credit or taxing power of the commonwealth or of any political subdivision thereof is pledged to the payment of the principal or purchase price of, or premium, if any, or interest on such bonds.

(d) In consideration of the financing of the public infrastructure improvements by the agency as provided in this section, the developer shall undertake the public infrastructure improvements included in the development plan and the land exchange agreement and, upon completion thereof, shall convey such public infrastructure improvements to the city, or to an agency or instrumentality of the city, or to the authority or another political subdivision, agency or instrumentality of the commonwealth. Notwithstanding any general or special law

to the contrary, except as otherwise provided in the land exchange agreement or any other agreement pertaining to the public infrastructure improvements the provisions of sections 38A to 38O, inclusive, of chapter 7, section 39M of chapter 30, chapter 30B, sections 44A to 44M, inclusive, of chapter 149 of the General Laws or any other general or special law, regulation, ordinance or by-law providing for the advertising, bidding or awarding of contracts for design or construction or improvement to property shall not apply to the design and construction of any public infrastructure improvements in accordance with the provisions of this section or the procurement by the city, the authority or any other governmental entity of such infrastructure improvements or any agreement for the maintenance, repair or improvement thereof described in paragraph (f) of this section.

(e) The authority is hereby authorized to convey to the developer certain properties owned by said authority and described in the land exchange agreement in exchange for the public infrastructure improvements to be constructed for such authority by the developer and to lease to the developer certain portions of such public infrastructure improvements as more particularly described in the land exchange agreement. The provisions of subsections (b) and (c) of section 5 of chapter 161A of the General Laws shall not apply to said transfer and lease.

(f) Except as otherwise provided in the development plan or the land exchange agreement, the developer shall be solely responsible for all costs and expenses related to: (i) developing, holding, operating and maintaining all lands and other properties within the northpoint development district, including the costs and expenses of maintaining all public infrastructure improvements included thereon prior to their conveyance to the city, the authority or other applicable governmental entity; and (ii) the agency's issuance of bonds pursuant to this section and otherwise carrying out its obligations and duties pursuant to this section. Notwithstanding the foregoing, the city, the authority and any other governmental entity to which any of the public infrastructure improvements financed hereunder shall be conveyed may enter into an agreement with the developer for the maintenance, repair and improvement by the developer of all or any portion of such public infrastructure improvements for such period subsequent to the conveyance thereof by the developer, and with such other terms and conditions, as the parties shall deem appropriate and desirable.

(g) The developer shall be entitled to receive, hold and expend all income and other receipts derived by it from its interest in the lands and properties included within the northpoint development district and, except as otherwise provided in the development plan and the land exchange agreement or other agreement between the developer and the city or the authority, shall be solely responsible for the payment of all taxes, including infrastructure assessments, payable with respect to or on the developer's operations on such lands and properties. The developer may mortgage, sell, lease or otherwise encumber or dispose of all or any part of the lands and other properties included within the northpoint development district, subject to the liens thereon for property taxes payable to any municipality pursuant to chapter 59 of the General Laws and for infrastructure assessments payable to the agency pursuant to this section.

(h) Prior to the issuance of bonds by the agency to finance public infrastructure improvements pursuant to paragraph (c) of this section, the developer shall file for approval by the agency an assessment plan allocating the costs of the public infrastructure improvements financed by such bonds among the assessment parcels for all or such portion of the project components within the northpoint development district as shall be specified in the assessment plan. Except as otherwise provided in the assessment plan, the costs of the public infrastructure improvements shall be deemed to be the principal, interest and premium, if any, payable on such bonds, or any bonds issued by the agency to the refund the same, plus all costs and other expenses incurred by the agency in assessing and collecting infrastructure assessments hereunder and otherwise administering the assessment plan. The assessment plan shall at a minimum: (i) indicate the boundaries of the northpoint development district; (ii) describe the public infrastructure improvements to be designed, installed, constructed, improved, altered, enlarged, repaired, remodeled or reconstructed as part of the northpoint project, including the estimated cost thereof; (iii) describe any bonds to be issued in accordance with this section to finance any public infrastructure improvements included in the northpoint project, and the debt service thereon and the agency's costs and expenses in assessing and collecting infrastructure assessments hereunder and otherwise administering the assessment plan, or the manner of determining the same; (iv) describe the boundaries of each assessment parcel within the northpoint development district, or the manner of determining the boundaries of each assessment parcel; and (v) subject to the provisions of paragraph (k) of this section, describe the methodology for calculation of infrastructure assessments to be levied by the agency upon such assessment parcels, or the manner of determining such methodology, to recover the costs of the public infrastructure improvements financed by the agency.

(i) In consideration of the special benefit and advantage received by the northpoint development district from the construction of the public infrastructure improvements included in the development plan and the land exchange agreement, and the financial assistance provided hereunder by the agency, following the issuance by the agency of any bonds to finance costs of said public infrastructure improvements the agency shall fix, and in each fiscal year thereafter charge and collect, a special assessment, herein referred to as an infrastructure assessment, upon each assessment parcel identified in the assessment plan in an amount equal to such assessment parcel's allocable share of the costs of the public infrastructure improvements as determined in accordance with the assessment plan. Infrastructure assessments collected by the agency shall be applied by the agency to pay the principal, interest and premium, if any, payable on bonds issued by the agency to finance such public infrastructure improvements, and to pay or reimburse the agency for all costs and other expenses incurred by the agency in assessing and collecting such infrastructure assessments and in administering the assessment plan and otherwise in performing its obligations and duties pursuant to this section. In addition to the provisions of the bond sections pertaining to the security of bonds issued thereunder, bonds issued by the agency pursuant to this section may be secured by a pledge of the infrastructure assessments received

or to be received by the agency as provided herein and the financing document therefor.

(j) Liens imposed by the city or any other municipality for the payment of property taxes on the northpoint development district under chapter 59 of the General Laws shall have priority in payment over any lien securing payment of any infrastructure assessment hereunder. Except as otherwise provided herein or in the assessment plan, infrastructure assessments pursuant to this section shall be collected by or on behalf of the agency and secured in the same manner as betterments and other special assessments owed to a city or town in the commonwealth and shall be subject to the same penalties and to the same lien priority and sale procedures in case of delinquency as is provided in the General Laws for such betterments and special assessments, provided that the owner of an assessment parcel shall not be personally liable for the infrastructure assessment thereon. In addition to the powers of collection otherwise granted to the agency pursuant to chapter 23G and chapter 40D of the General Laws, the agency shall have and may avail itself of such provisions of the General Laws relative to the assessment, apportionment, division, fixing, reassessment, revision and collection of property taxes, betterments and other special assessments by cities and towns, and the establishment of liens therefor and interest thereon, and the procedures set forth in sections 5 and 6 of chapter 254 of the General Laws for the foreclosure of liens arising under section 6 of chapter 183A of the General Laws, as the agency shall deem necessary and appropriate for purposes of the assessment and collection of infrastructure assessments under this section.

(k) The infrastructure assessments established by the agency pursuant to paragraph (i) of this section with respect to assessment parcels included in the northpoint development district shall be initially fixed in respect of the aggregate thereof so as to provide revenues in each fiscal year following the issuance by the agency of any bonds for the purposes provided in paragraph (c) of this section at least equal to the principal, interest and premium, if any, payable on such bonds in such fiscal year, plus all costs and other expenses (i) incurred by the agency in assessing and collecting such infrastructure assessments and in administering the assessment plan and otherwise in performing its obligations and duties pursuant to this section and (ii) otherwise incurred in connection with the financing of public infrastructure improvements hereunder. The agency shall allocate such principal, interest and premium, if any, and costs and expenses among all of the assessment parcels within the northpoint development district identified in the assessment plan by such methods as shall be set forth in the assessment plan, which methods may include allocation by length of frontage, or type of project component, including classification of assessment parcels among residential, commercial, industrial and open space uses, or by the square footage of an assessment parcel or a project component, or according to the value of the assessment parcel as determined by such method as the agency shall deem appropriate, or by such other methods as the agency determines shall result in fairly allocating the costs of the public infrastructure improvements financed by such bonds to the real estate in the northpoint development district. Infrastructure assessments established by the agency shall not be subject to supervision or regulation by any department, division, commission, board, bureau

or agency of the city or the commonwealth or any other political subdivision thereof and shall not be subject to the provisions of sections 20A and 21C of chapter 59 of the General Laws. Subject to the provisions of the assessment plan, the agency shall establish a schedule for the payment of infrastructure assessments levied by the agency, including provisions relative to the mandatory or optional prepayment of any infrastructure assessments, and a schedule of fees and charges payable by the owner of any assessment parcel as a consequence of any delinquency or default in the payment of any infrastructure assessment thereon.

(l) Notwithstanding any general or special law to the contrary, the agency may contract with one or more persons for any services required by the agency regarding the assessment, apportionment, division, fixing, reassessment, revision, collection and enforcement of infrastructure assessments hereunder, and the fees, costs and other expenses thereof shall be included in the calculation of the infrastructure assessments levied by the agency hereunder.

(m) The provisions of this section shall be deemed to provide an exclusive, additional, alternative and complete method for the doing of the things authorized hereby and shall be deemed and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the agency by any other law; provided, however, that insofar as the provisions of this section are inconsistent with the provisions of any general or special law, the provisions of this section shall be controlling.

SECTION 115. As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Authority", the Massachusetts Turnpike Authority established by section 1 of chapter 81A of the General Laws.

"Central artery", as defined in section 3 of chapter 81A of the General Laws.

"Department", the department of telecommunications and energy, established in section 1 of chapter 25 of the General Laws.

"Usable space", the total space that would be available for wireless attachments, without regard to attachments previously made, within the tunnels of the central artery project.

"Wireless attachment", any device, apparatus, appliance or equipment used or useful in providing wireless communications services, including any associated wire or cable, used in the provision of a commercial wireless communications system.

"Wireless provider", any person, firm or corporation which provides commercial wireless communication services.

Where it has been determined by the general court that an effective and seamless state-of-the-art wireless communications system in the Central Artery tunnels owned or controlled by the authority provides economic benefits to and ensures the safety of citizens of the commonwealth, consistent with its authority pursuant to section 4 of chapter 81A of the General Laws, the authority shall ensure that a wireless communications system is established in the tunnels of the central artery no later than December 31, 2006 through the issuance of licenses, easements or other instruments and by cooperating with and allowing

access by wireless providers to said tunnels of the central artery.

In order to effectuate the provision of wireless communications services in the tunnels of the central artery, the department shall have the authority to establish rates and fees and shall open a proceeding to establish the maximum rates and fees which can be charged by the authority to wireless providers for the placement and use of wireless attachments in the central artery tunnels. The department shall determine just and reasonable maximum rates and fees for the placement of wireless attachments and use of space in the tunnels of the central artery by wireless providers by assuring that the authority's recovery does not exceed the cost to the authority of construction, operations and maintenance of the wireless communications system in the tunnels of the central artery. In establishing these rates and fees, the department shall compute the percentage of usable space in the tunnels of the central artery which has been or will be allocated to wireless attachments, and shall consider the number of wireless providers that will be participating in the wireless communications system to be established in the tunnels. The department, after hearing, shall issue its order establishing rates and fees within 180 days of the effective date of this section. The department is hereby authorized to promulgate rules and regulations for the administration and enforcement of this section.

SECTION 116. A party entering into a tax increment financing or economic opportunity area agreement shall be responsible for notifying the economic assistance coordinating council and the municipality of any substantial change to the tax increment financing or economic opportunity area agreement. This notice shall be provided to the economic assistance coordinating council and municipality in writing within 90 days of the agreement and shall be provided annually to the department of revenue.

The term "substantial change", as used herein, shall mean the off-shoring of production, outsourcing of functions or relocation of business functions; any operational changes in the nature of products or services; any cessation or pause in operations; any net workforce reduction or change in hiring plans; or any sale, transfer or change in ownership or structure of the company.

A violation of the foregoing shall result in a revocation of the tax increment financing or the economic opportunity area agreement by the municipality or economic assistance coordinating council at its discretion.

SECTION 117. There is hereby established a special commission created for the purpose of studying and making recommendations concerning the development of financial assets as a way to ensure that all people in the state of Massachusetts achieve long-term, sustainable economic security and self-sufficiency and enjoy economic opportunity. The commission shall consist of 2 members of the senate; 2 members of the house of representatives; the treasurer and receiver general or his designee; the secretary of the executive office of administration and finance or his designee; the director of the department of housing and community development or his designee; the secretary of the executive office of health and human services or his designee; the director of the department of economic development or his designee; the chairman of the board of higher education or his designee;

1 shall be a representative of the Massachusetts Community Action Program Directors' Association, 1 shall be a representative of the Massachusetts Association of Community Development Corporations, 1 shall be a representative of the Massachusetts Individual Development Account Solutions; and 13 members appointed by the governor, 1 of whom shall be a representative of the general public who has participated or is participating in an individual development account administered by a community based organization based in Massachusetts, 1 of whom shall be a representative from the general public who manages an existing individual development account program in Massachusetts, 2 of whom shall be representatives of the Massachusetts Bankers Association, 1 of whom shall be a representative of the United Way of Massachusetts Bay, 1 of whom shall be a representative of a private philanthropy or private foundation, 1 of whom shall be a representative of the Women's Educational and Industrial Union, 1 of whom shall be a representative of an Earned Income Tax Credit counseling organization, 1 of whom shall be a representative of the Institute on Assets and Social Policy at the Heller School for Social Policy and Management at Brandeis University, 1 of whom shall be a representative of a public or private institution of higher education, 1 of whom shall be a representative of the Massachusetts Institute for a New Commonwealth, 1 of whom shall be a representative of the Massachusetts AFL-CIO, and 1 of whom shall be a representative of the Federal Reserve Bank of Boston.

The commission created shall: examine the success of low-income workers of the commonwealth in saving money and building assets, and the reasons why some people have had less success than others; assess the impact of current state policies and private sector practices on saving and asset-building; identify strategies that offer a real promise of significantly increasing the numbers of those who save and build assets and the amounts they accumulate; and, make recommendations, consistent with the state's short- and long-term fiscal condition, for state policies and practices, including action in coordination and collaboration with businesses and financial institutions, labor organizations and community and faith-based organizations, to implement those strategies. The commission, in formulating its recommendations, shall take account of the best policies and practices in other states and jurisdictions, particularly, but not limited to those relating to individual development accounts for low-income and low-asset households.

The focus of the commission shall include, but not be limited to, asset development strategies for low-income and low-asset individuals and families living in Massachusetts. Where relevant, the commission shall consider the impact of labor market, education and training, and family-support policies and practices on opportunities for financial asset-building. The commission shall be empowered to hold regular public meetings, fact-finding hearings and other public forums, as it considers necessary.

The commission shall file its recommendations, together with recommendations for legislation, if any, with the house and senate clerks who shall forward the same to the general court no later than 2 years after the passage of this act.

SECTION 118. All rights, duties and obligations previously entered into by Mini-Fenway Park, Inc. pursuant to chapter 275 of the acts of 1998, as amended by chapter 183 of the acts of 2002, shall be assigned to Kids Replica Ballpark, Inc. pursuant to an agreement between parties and Major League Baseball.

SECTION 119. Notwithstanding any special or general law to the contrary, the Massachusetts highway department shall erect and maintain a sign on interstate highway route 93 designating the location of Mini-Fenway Park at exit 8.

SECTION 120. Notwithstanding any municipal zoning ordinance or zoning regulation, all buildings, playing fields, and any other supporting structures and improvements shall be constructed on the property authorized and designated under chapter 275 of the acts of 1998; provided that, all buildings, playing fields, and any other supporting structures and improvements to be constructed on said property shall be presented to the city of Quincy and subject to the approval of the department of conservation and recreation.

SECTION 121. Notwithstanding any municipal zoning ordinance or zoning regulation, the department of conservation and recreation and the department of capital asset and management shall have the right for a curb cut or curb cuts from Ricciuti drive in the city of Quincy which is adjacent to and abutting the department of conservation and recreation's property.

SECTION 122. Notwithstanding any general or special law to the contrary, the commissioner of the department of revenue shall promulgate rules or regulations for the administration and enforcement of section 55, which shall take effect on July 1, 2007.

SECTION 123. Sections 56, 57 and 58 shall be effective for tax years commencing on or after January 1, 2006.

This bill was returned on June 24, 2006, by the Governor to the House of Representatives, the branch in which said bill was originated, with His objections in writing to the following items therein:

Items Disapproved:

SECTION 2: 7004-0099 and 7007-0900

SECTION 2A: 7004-0090 7007-9031 7007-9033 7100-8181

SECTIONS 3, 6, 7, 14, 15, 24, 35, 37, 39, 41, 49, 53, 54, 55, 65, 83, 85, 87, 88, 89, 91, 96, 97, 103, 104, 109, 110, 111, 117 and 122

SECTION 2: *Items reduced in amount*

Item	Reduce by	Reduce to
7003-0702	200,000	300,000

SECTION 2A: *Items reduced in amount and by striking the wording*

Item	Reduce by	Reduce to	*Wording Stricken*
7004-2051	1,000,000	25,000,000	"; and provided further, that not less than $1,000,000 shall be expended for repairs and improvements to the Stoughton train station and

			the surrounding central business district in the town of Stoughton, including but not limited to infrastructure and parking improvements, sidewalks, lighting, safety, and aesthetic improvements, and salaries and/or fees for professional municipal planning work related to said repairs and improvements"
7007-9036	1,000,000	2,100,000	"; and provided further, that not less than $1,000,000 shall be expended for economic revitalization in and around the Central avenue business district in the town of Milton, including, but not limited to, infrastructure and road improvements, side walks, lighting, safety and aesthetic improvements"

Pursuant to Article 56, as amended by Article 90, Section 3, of the Amendments to the Constitution, the Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments to Sections 21, 25, 26, 27, 28, 31, 52, 59, 74, 92 and 95.

The remainder of the bill was approved by the Governor on June 24, 2006 at eight o'clock and fifteen minutes, A.M.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 13, 2006 the House of Representatives and on July 13, 2006 the Senate passed the following Items:
SECTION 2. Item: 7007-0900; **SECTION 2A**. Item: 710-8181; and
SECTIONS 49, 65, 88, 89, 91, 96, and 104.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 13, 2006 the House of Representatives and on July 19, 2006 the Senate passed the following Item:
SECTION 111.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 18, 2006 the House of Representatives and on July 19, 2006 the Senate passed the following Items:
SECTION 2. Item: 7003-0702; **SECTION 2A**. Items: 7004-0090, 7004-2051, 7007-9031, 7007-9033 and 7007-9036; and
SECTIONS 35, 53, 83, 85, 109, 110 and 122.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 18, 2006 the House of Representatives and on July 20, 2006 the Senate passed the following Item:
SECTION 15.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 18, 2006 the House of Representatives and on July 24, 2006 the Senate passed the following Items:
SECTIONS 6, 55, 97 and 117.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 20, 2006 the House of Representatives and on July 24, 2006 the Senate passed the following Items:
SECTION 2. Item: 7004-0099; and
SECTIONS 37, 39 and 87.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 18, 2006 the House of Representatives and on July 26, 2006 the Senate passed the following Items:
SECTIONS 14 and 54.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 18, 2006 the House of Representatives and on July 27, 2006 the Senate passed the following Items:
SECTIONS 3 and 7.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 20, 2006 the House of Representatives and on July 31, 2006 the Senate passed the following Item:
SECTION 24.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 20, 2006 the House of Representatives and on July 31, 2006 the Senate passed the following Item:
SECTION 103.

Chapter 124. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2007, BEFORE FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR THAT FISCAL YEAR.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make available forthwith certain funds, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the amount of $1,200,000,000 is hereby appropriated for the fiscal year ending June 30, 2007, to meet necessary expenditures before the enactment of the general appropriation act for that fiscal year, for the maintenance and operations of the several departments, boards, commissions, and institutions, including federal grant and Intragovernmental Service Fund expenditures, for other necessary services, and for meeting certain requirements of law. The authorization in this act shall cease to be operative as of the effective date of the general appropriation act, and all actions taken under this section shall apply against the general appropriation act. All expenditures made under this authorization shall be consistent with appropriations made in the general appropriation act.

SECTION 2. Notwithstanding any general or special law to the contrary, the unexpended balances of all capital accounts which otherwise would revert on June 30, 2006, but which are necessary to fund obligations during fiscal year 2007, are hereby re-authorized. The re-authorizations in this section shall terminate upon enactment of capital account extension legislation.

SECTION 3. The state treasurer shall make advance payments for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district, or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines issued by the secretary.

SECTION 4. Sections 1 and 3 shall take effect on July 1, 2006. Section 2 shall take effect on June 30, 2006.

Approved June 27, 2006.

Chapter 125. AN ACT REGULATING TAX DEFERRAL AGREEMENTS IN THE TOWN OF PRINCETON.

Be it enacted, etc., as follows:

Notwithstanding clause Forty-first A of section 5 of chapter 59 of the General Laws

in the town of Princeton, the interest on tax deferral agreements entered into under said clause Forty-first A shall be set annually by the board of selectmen; but it shall not exceed 8 per cent per annum. The board of selectmen shall set the rate on or before July 15 of each year.

Approved June 28, 2006.

Chapter 126. AN ACT EXTENDING THE TERM OF AGREEMENT BETWEEN THE TOWN OF SHREWSBURY AND THE TOWN OF WESTBOROUGH FOR THE WESTBOROUGH TREATMENT PLANT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 412 of the acts of 1979 or any other general or special law to the contrary, the towns of Shrewsbury and Westborough, acting by or through their boards of selectmen, are authorized to amend the agreement dated September 11, 1979, between the towns of Shrewsbury and Westborough relative to the Westborough treatment plant, and extend the term of that agreement for not more than 30 years.

SECTION 2. This act shall take effect upon its passage.

Approved June 28, 2006.

Chapter 127. AN ACT REGULATING SEWER BETTERMENT ASSESSMENTS IN THE TOWN OF RICHMOND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Richmond may charge interest on an unpaid balance of a sewer assessment at a rate equal to the net rate of interest chargeable to the town for the project to which the assessment relates.

SECTION 2. Notwithstanding any general or special law to the contrary, the board of assessors of the town of Richmond may, and at the request of the owner of the land assessed shall, (1) apportion all sewer assessments or unpaid balances of assessments into a number of equal payments equal to the number of years for which bonds for a project are issued and (2) structure the payments so that the amounts payable in the several years for principal and interest combined are as nearly equal as practicable or, in the alternative, to provide for a more rapid amortization of the principal amount of the betterment assessments

if the debt service on the bonds issued for the project was so structured. These payments may be further apportioned and collected by the town on quarterly tax bills or a single tax bill at the option of the town. An owner of land assessed may pay the total amount due without a prepayment penalty.

SECTION 3. This act shall take effect upon its passage.

Approved June 28, 2006.

Chapter 128. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF WESTBOROUGH.

Be it enacted, etc., as follows:

The third paragraph of section 8-5(b) of the charter of the town of Westborough which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- During his tenure, the Manager of the Department of Public Works shall not hold elective office, nor engage in any other business or occupation unless the other business or occupation is approved in advance by the Board of Selectmen.

Approved June 28, 2006.

Chapter 129. AN ACT ESTABLISHING A SICK LEAVE BANK FOR MICHAEL MCLAUGHLIN, AN EMPLOYEE OF THE TRIAL COURT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Michael McLaughlin, an employee of the Somerville division of the district court department of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Michael McLaughlin. Whenever Michael McLaughlin terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.

Approved June 28, 2006.

Chapter 130. AN ACT RELATIVE TO THE NANTUCKET ISLANDS LAND BANK.

Be it enacted, etc., as follows:

Paragraph (m) of section 12 of chapter 669 of the acts of 1983, as most recently amended by section 6 of chapter 370 of the acts of 2002, is hereby further amended by striking out the first sentence and inserting in place thereof the following 2 sentences:- An amount determined on or before January 1 of each year by the land bank commission after due analysis of the range of real estate prices and in no event less than $400,000 of the purchase price of a transfer made to a purchaser who, or whose spouse at the time of transfer, has at no time before the said transfer owned or possessed any real property interest as defined in section 1 either within or without Nantucket county, but the purchaser shall make the real property interest which is the subject of the transfer the purchaser's actual domicile within 1 year of the time of transfer, and shall remain permanently or for an indefinite time and without any certain purpose to return to a former place of abode. In the event of a later transfer within 5 years of the transfer exempted from the fee under this paragraph, other than the transfer of a mortgage to an institutional lender, the fee exempted shall become due, together with accumulated interest and penalties, and in addition to any fee otherwise due as a result of the later transfer.

Approved June 28, 2006.

Chapter 131. AN ACT RELATIVE TO THE AUTHORITY OF CONSERVATION COMMISSIONS TO IMPOSE CONSULTANT FEES.

Be it enacted, etc., as follows:

Section 53G of chapter 44 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Notwithstanding section 53 , any city or town that provides by rules promulgated under section 9 or 12 of chapter 40A, section 21 of chapter 40B, section 81Q of chapter 41 or section 31 of chapter 111, or by rules promulgated by a conservation commission established by a city or town under section 8C of chapter 40 when implementing the authority conferred under said section 8C of said chapter 40, section 40 of chapter 131, or under any local wetlands ordinance or by-law, for the imposition of reasonable fees for the employment of outside consultants may deposit such fees in a special account.

Approved June 28, 2006.

Chapter 132. AN ACT AUTHORIZING CAMPAIGN CONTRIBUTIONS BY DEBIT CARD.

Be it enacted, etc., as follows:

Section 9 of chapter 55 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "credit", in line 11, the following words:- or debit.

Approved June 28, 2006.

Chapter 133. AN ACT RELATIVE TO THE FINANCING AND CONSTRUCTION OF A PUBLIC PARKING GARAGE AND OTHER IMPROVEMENTS IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. The general court finds and declares that: (a) the private sector is prepared to invest $470 million into downtown Worcester for the reconstruction of the former Worcester Center, also known as Worcester Common Outlets Mall property, in this act called "project property", by demolishing large portions of the existing buildings, reestablishing the locations of public ways and spaces on and through the project property, constructing 1.5 million square feet of new building space consisting of housing, commercial office, medical/clinical space, retail space and entertainment venues and renovating portions of the 2 existing office buildings and the remaining portions of the existing retail space and the existing parking garages, collectively and in this act called the "private project elements"; (b) the private project elements require public participation in the form of the construction of new public ways and spaces, the modification of Worcester Center Boulevard and the construction of an underground public parking garage, in this act called the "public project elements"; (c) the private and public project elements will significantly enhance the role of the city of Worcester as a transit-oriented urban center serving the economic development and the general welfare of the commonwealth and will stimulate employment and employment training, apprenticeship, health care and related opportunities for all residents of the city and the commonwealth; (d) the public project elements serve the public interest by correcting the public urban design errors of the past and connecting downtown Worcester and the project area with the intermodal transportation center at Union Station, the city's convention center and arena facilities and the Worcester Medical Center; (e) a substantial portion of the public project elements, consisting of the underground public parking garage, shall be constructed underneath substantial portions of the private project elements and shall require common footings, columns, certain building support systems and utility and conduit locations; (f) public convenience, safety and necessity require that the design and construction of the public project elements be accomplished by the same design and construction

contractors accomplishing the design and construction of the private project elements; (g) combining the design and construction of the garage portion of the public project elements with the private project elements will produce economies of scale and likely reduce development and operational costs; and (h) the combination of the design and construction of much of the public project elements with the design and construction of the private project elements will serve the public interest as long as certain public policy protections concerning prevailing wages, apprenticeship training, health care, inclusionary participation and the like are appropriately included in the contracts for the design and construction of the public project elements.

SECTION 2. Notwithstanding any general or special law to the contrary, but subject to the requirements of this act, the city of Worcester shall secure the design and construction of the public project elements by entering into a contract or contracts, in this act called "contract", with Worcester Renaissance, LLC, a Delaware limited liability company duly registered with the secretary of the commonwealth as a foreign limited liability company, and an owner of record of a major portion of the project property, in this act called the "project developer", or its successors in interest in the project property. The project developer may perform its design and construction obligations under the contract by employing independent design and construction contractors and subcontractors. The contract shall specify the extent to which the project developer shall be responsible for the planning, design and construction of public project elements. Any public project elements undertaken directly by the city, or the commonwealth, shall be subject to the General Laws governing the award of public design and construction contracts. The contract shall require the project developer, in constructing the public project elements, to make good faith efforts to hire Massachusetts firms and residents. The contract shall require the project developer to comply with: (a) sections 26 to 27F, inclusive, of chapter 149 of the General Laws relating to prevailing wages; (b) section 29 of said chapter 149 relative to obtaining security by bond for payment of labor and materials; and (c) section 35 of chapter 2 of the Worcester revised ordinances (1996), the Responsible Employer Ordinance, for the public project elements. The attorney general shall have authority to enforce the requirements set forth in the preceding sentence to the same extent as public construction contracts awarded directly by a municipality.

SECTION 3. The contract shall specify a maximum amount to be paid by the city for the acquisition, design and construction of the public project elements. The contract shall require the city, as part of the administration and management of the project, to retain a construction management firm experienced in major public and private construction projects, which firm shall be responsible for monitoring the construction of the public project elements, performing an independent analysis of the project expenses and determining the proper allocation of the project expenses between the public project elements and the private project elements. The contract shall provide that the city shall pay the total actual costs of the public project elements as determined by the construction management firm up to the maximum amount stated in the contract and that the project developer shall pay an amount

in excess of said amount up to the maximum amount stated in the contract. Neither the city nor the commonwealth shall be liable for any public project elements costs beyond the amount specified in the contract. The contract shall provide that no order of taking involving the acquisition of any project property by eminent domain may be recorded until the project developer presents to the city a title report showing all persons who would be entitled to damages by reason of such a taking, together with legally binding indemnifications or waivers from all such persons of any right to damages beyond which is provided in the contract executed under section 7A of chapter 79 of the General Laws. The contract shall also provide that no transfer of funds for the construction of the underground public parking garage, including the demolition of the existing buildings and structures related to such construction, shall be made by the city until the project developer has presented the city with written commitments sufficient, in the city's opinion, to assure the city that the project developer has obtained legally binding commitments with third parties to occupy and to finance the construction of taxable improvements sufficient, once so constructed and occupied, to produce at least an equal amount of real estate tax and other project revenue as is projected by the city as necessary to cover the cost of the bonds issued by the city for the public project elements.

SECTION 4. Notwithstanding any general or special law to the contrary, but subject to the requirements of this act, the city may acquire from the project developer a leasehold interest and related access easements for a term of not less than 60 years in such portion of the project property as may be necessary to locate, construct and operate the underground public parking garage portion of the public project elements. The city shall place the underground public parking garage under the care, custody and control of its off-street parking board, established under chapter 365 of the acts of 1955, which board shall manage and operate the garage as a public parking garage under authority of said chapter 365, except that the rates and charges for the use of the garage shall be determined by the board and may not be delegated to any garage operator but may be delegated to the project developer pursuant to an operating and allocation agreement for the joint operation and management of the public garage and the private parking garages on the project property, and except that the board may operate the underground public parking garage through the operating and allocation agreement pursuant to which an entity selected by the project developer shall jointly operate the public parking garage and the private parking garages on the project property. The city may enter into real estate transactions with the project developer relative to the exchange of street remnants, the conveyance of easements to the city between the street layout lines and the buildings in the project, the conveyance of the parcel owned by the project developer at 36 Washington Square to the city and the ownership, control and maintenance of such portions of the roof of the underground public parking garage as may be necessary or proper, in the judgment of the city, to construct and operate the project.

SECTION 5. The city shall, by eminent domain, acquire all property rights and street easements necessary to locate and construct the public streets, walkways and associated public spaces of the public project elements and shall maintain the same in the public domain

and under the care, custody and control of the city. This act shall apply to any order of taking adopted by the city prior to the effective date of this act and, notwithstanding section 3 of chapter 79 of the General Laws or any other general or special law to the contrary, any such order of taking shall be valid if it is recorded in the Worcester district registry of deeds within 30 days of the first issuance of bonds by the city for the public project elements after the contract is executed, but in all events within 60 days after the contract is executed.

SECTION 6. No transfer of funds for any portion of the work on the public project elements shall be made by the city to the project developer until the project developer and the city have executed the contract, which, in addition to the requirements of this act, may contain such terms and conditions, including the recognition of expenses incurred by the city or paid by the project developer prior to the effective date of this act, as the city manager of the city shall deem necessary and proper and upon which the project developer must agree. Notwithstanding any general or special law or administrative rule or regulation to the contrary, for purposes of eligibility for reimbursement for any state grant, otherwise qualifying expenses incurred by the city or paid by the project developer before the effective date of this act shall be deemed to have been incurred or paid as of the effective date of this act. Before the execution of the contract or any amendments thereto, the contract and all amendments shall be submitted to the inspector general for his review and comment. The inspector general shall have 15 days after receipt of the contract and any amendments from the city to review and comment thereon and submit any recommendations to the chairs of the house and senate committees on ways and means and the chairs of the joint committee on municipalities and regional government.

SECTION 7. This act shall take effect upon its passage.

Approved June 30, 2006.

Chapter 134. AN ACT RELATIVE TO CERTAIN MOTOR VEHICLE VIOLATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 22 of chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 51, lines 64 and 65, and in line 68, the words "or country" and inserting in place thereof, in each instance, the following words:- , country or jurisdiction.

SECTION 2. Section 1 of chapter 90C of the General Laws, as so appearing, is hereby amended by striking out the definition of "Police chief" and inserting in place thereof the following definition:-

"Police chief", the chief or the head of the organized police department of a city or town, the commissioner of public safety, the colonel of state police, the state superintendent of buildings, the chairman of the Massachusetts Turnpike Authority, a person appointed by

the trustees of the University of Massachusetts as chief of the police officers appointed under section 32A of chapter 75, a person appointed by the trustees at each of the commonwealth's state and community colleges as chief of the police officers appointed under section 22 of chapter 15A, persons designated by the commissioner of mental health at each institution of the department of mental health, or by the commissioner of mental retardation at each institution of the department of mental retardation as the chief of the special police officers appointed under section 59 of chapter 22C, or the chief of the Massachusetts Bay Transportation Authority police department.

SECTION 3. Said section 1 of said chapter 90C , as so appearing, is hereby further amended by striking out the definition of "Police officer" and inserting in place thereof the following definition:-

"Police officer", any officer, other than an investigator or examiner of the transportation division of the department of telecommunications and energy, authorized to make arrests or serve criminal process, any person appointed by the registrar under section 29 of chapter 90, any person appointed by the trustees of the University of Massachusetts under section 32A of chapter 75, any person appointed by the trustees at each of the commonwealth's state and community colleges under section 22 of chapter 15A , and any person appointed by the colonel of state police under section 59 of chapter 22C.

SECTION 3A. Section 2 of said chapter 90C , as so appearing, is hereby amended by inserting after the first paragraph the following 2 paragraphs:-

Each police chief appointed by the trustees of the commonwealth's state and community colleges under section 22 of chapter 15A shall certify to the registrar, on or before January first of each year, that:

(a) the police officers appointed by the trustees at the state or community college have been issued a current first aid/CPR certificate;

(b)(i)(A) 51 per cent of such police officers have completed either the basic full-time recruit academy operated or certified by the municipal police training committee or the campus police academy operated by the Massachusetts state police, or

(B) 51 per cent of the police officers have completed a basic reserve/intermittent police officer training course approved by the municipal police training committee and have had at least 5 years experience issuing citations pursuant to this chapter; and

(ii) the remaining 49 per cent of police officers have completed a minimum of a basic reserve/intermittent police officer training course approved by the municipal police training committee;

(c) such officers have completed annual in-service training of no less than 40 hours;

(d) such officers meet the same firearms qualification standards as set from time to time by the municipal police training committee if such officers have been authorized by the board of trustees of the state or community college to carry firearms;

(e) the state or community college police department submits uniform crime reports to the FBI;

(f) a memorandum of understanding has been entered into with the police chief of the municipality wherein the state or community college is located outlining the policies and procedures for utilizing the municipality's booking and lock-up facilities, fingerprinting and breathalyzer equipment if the state or community college police department does not provide booking and lock-up facilities, fingerprinting or breathalyzer equipment; and

(g) the state or community college police department has policies and procedures in place for use of force, pursuit, arrest, search and seizure, racial profiling and motor vehicle law enforcement.

Notwithstanding the previous paragraph, nothing in this section shall limit the authority granted to the police chiefs and police officers at the state and community colleges under said section 22 of said chapter 15A or section 18 of chapter 73.

SECTION 3B. Said chapter 90C is hereby further amended by inserting after section 2 the following section:-

Section 2A. The authority for police officers appointed by the trustees of the commonwealth's state and community colleges under section 22 of chapter 15A to issue citations under this chapter shall be limited to the issuance of citations for violations occurring on the property of state and community colleges. Separate record-keeping and data collection, including, but not limited to, racial or gender profiling data collection and analysis required under chapter 228 of the acts of 2000, shall be performed by such campus police departments, separate from those conducted by any municipal police department or the state police.

SECTION 4. Section 2 of chapter 228 of the acts of 2000 is hereby amended by striking out, in lines 3 and 4, the words "officers in" and inserting in place thereof the following words:- officers, including all police officers as defined under section 1 of chapter 90C of the General Laws, in.

SECTION 5. Section 3 of said chapter 228 is hereby amended by inserting after the word "officers", in line 3, the following words:- , including all police officers as defined under section 1 of chapter 90C of the General Laws.

SECTION 6. Section 6 of said chapter 228 is hereby amended by striking out, in line 2, the words "officers on" and inserting in place thereof the following words:- officers, and all other police officers, as defined under section 1 of chapter 90 of the General Laws, on.

SECTION 7. Section 10 of said chapter 228 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:-The executive office of public safety shall, in consultation with the attorney general, if such data suggest that a state police barracks or a municipal, college, university or other educational institution or hospital police department appears to have engaged in racial or gender profiling, require such barracks or department to collect information on all traffic stops for a period of 1 year, including those not resulting in a warning, citation or arrest.

SECTION 8. Said section 10 of said chapter 228 is hereby further amended by striking out, in line 14, the words "or the municipality" and inserting in place thereof the following words:- , the municipality, college, university or other educational institution or hospital.

Approved June 30, 2006.

Chapter 135. AN ACT RELATIVE TO THE LICENSURE OF MASSAGE THERAPISTS.

Be it enacted, etc., as follows:

SECTION1. Chapter 13 of the General Laws is hereby amended by adding the following 2 sections:-

Section 98. (a) There shall be within the division of professional licensure a board of registration of massage therapy. The board shall consist of 7 members who shall be appointed by the governor for terms of 3 years. The members appointed shall be residents of the commonwealth, 3 of whom shall be licensed massage therapists who have been actively engaged in the practice of massage therapy in the commonwealth for at least 5 years immediately before their appointments; 1 of whom shall be a health agent, board member or other health professional employed by or elected to a municipal board of health within the commonwealth; 1 of whom shall be an individual who is actively engaged in the operation of a licensed massage school; and 2 of whom shall be consumers who are familiar with the massage therapy field. All board members shall be subject to chapter 268A.

(b) f the initial members appointed to the board, 3 shall serve for terms of 3 years, 2 shall serve for terms of 2 years and 2 shall serve for terms of 1 year. Each member of the board shall hold office until his successor has been appointed. A vacancy in the membership of the board shall be filled for the unexpired term in the manner provided for the original appointment. A member may be removed by the governor for cause.

(c) The board shall at its first meeting and, annually thereafter, elect from among its members, by majority vote, a chairman and vice-chairman. The board shall meet at least once every 3 months and may hold additional meetings as necessary to discharge its duties. Members shall receive no compensation but shall be entitled to reasonable travel expenses. The members of the board shall be public employees for the purposes of chapter 258 for all acts or omissions within the scope of their duties as board members.

Section 99. (a) The board shall have the following powers and duties: (i) to administer and enforce sections 227 to 236, inclusive, of chapter 112; (ii) to adopt rules and regulations governing the licensure of massage therapists, the practice of massage therapy and the operation of massage schools to promote the public health, welfare and safety of citizens of the commonwealth; (iii) to establish standards of professional and ethical conduct; (iv) to establish standards for continuing education reflecting acceptable national standards;

and (v) to investigate complaints, conduct inspections, review billing and treatment records and set and administer penalties as defined in sections 61 to 65E, inclusive, and sections 232 to 236, inclusive, of chapter 112 for fraudulent, deceptive or professionally incompetent and unsafe practices and for violations of rules and regulations promulgated by the board.

(b) The board shall make available to the public a list of licensed massage therapists. The board shall establish by regulation a code of ethics.

SECTION 2. Chapter 112 of the General Laws is hereby amended by adding the following 9 sections:-

Section 227. As used in this section and sections 228 to 236, inclusive, the following words shall, unless the context requires otherwise, have the following meanings:-

"Board", the board of registration of massage therapy established in section 98 of chapter 13.

"Licensed massage school", a facility which is licensed by the board after meeting minimum standards for training and curriculum as determined in accordance with sections 228 to 236, inclusive.

"Licensed massage therapy salon", a place, office, clinic or establishment licensed by the board to offer massage services.

"Massage", the systematic treatment of the soft tissues of the body by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion for purposes of demonstrating muscle excursion or muscle flexibility and nonspecific stretching. Massage therapy may include the use of oil, ice, hot and cold packs, tub, shower, steam, dry heat or cabinet baths, in which the primary intent is to enhance or restore the health and well-being of the client. Massage therapy shall not include diagnoses, the prescribing of drugs or medicines, spinal or other joint manipulations or any services or procedures for which a license to practice medicine, chiropractic, occupational therapy, physical therapy or podiatry is required by law.

"Massage therapist" or "Massage practitioner", a person licensed by the board who instructs or administers massage or massage therapy for compensation.

Section 228. (a) No person shall hold himself out to others as a massage therapist or practice massage or massage therapy unless he holds a valid license issued in accordance with this chapter. No person licensed to practice massage or massage therapy shall perform any of the following: diagnosis of illness or disease; high velocity, low-amplitude thrust applied to a joint; electrical stimulation; application of ultrasound; exercise and prescription of medicines. The following practitioners shall be exempt from the licensure requirements of this section:

(1) a person who is otherwise licensed, certified or registered under the General Laws, performing services within his authorized scope of practice and who does not hold himself out to be a massage therapist;

(2) a person duly licensed, registered or certified in another state, territory, the District of Columbia or a foreign country when temporarily called into the commonwealth

to teach a course related to massage therapy or to consult with a person licensed as a massage therapist under this chapter;

(3) a student of massage therapy enrolled in a licensed massage school program for massage, performing work as a required component of his course of study at such school, but the student shall not hold himself out as a licensed massage therapist under this chapter and shall not receive compensation for his work;

(4) a person giving massage to a member of that person's immediate family for which he received no compensation;

(5) a person, duly licensed, registered, or certified in another state, territory, the District of Columbia, or a foreign country, who is incidentally in the commonwealth to provide service as part of an emergency response team working in conjunction with disaster relief officials; and

(6) a person giving massage in a sporting, health or other event that is non-compensatory and under the supervision of a licensed massage therapist.

(b) Nothing in this section shall prevent or restrict the practice of a person who uses touch, words or directed movement to deepen awareness of patterns of movement in the body, or the affectation of the human energy system or acupoints or Qi meridians of the human body while engaged within the scope of practice of a profession with established standards and ethics, but such services shall not be designated or implied to be massage or massage therapy. Such practices shall include, but not be limited to, the Feldenkrais Method; Reflexology; The Trager Approach; Ayurvedic Therapies, Rolf Structural Integration, Polarity or Polarity Therapy; Polarity Therapy Bodywork; Asian Bodywork Therapy that does not constitute massage as defined in this chapter; Acupressure; Jin Shin Do; Qi Gong; Tui Na; Shiatsu; Body-Mind Centering and Reiki. These exempt practitioners may use the terms "bodywork", "bodyworker" and "bodywork therapist" in their promotional literature.

Section 229. (a) A person desiring to engage in the practice of massage therapy shall make application upon a form furnished by the board, which application shall be signed and sworn to by the applicant. Each application shall be accompanied by payment of the fee prescribed by the executive office of administration and finance pursuant to section 3B of chapter 7. Upon submission of a completed application to the board and the payment of the required fees, the board may issue a license to practice as a massage therapist to an applicant who satisfies the following minimum qualifications: (1) he shall have obtained a high school diploma or its equivalent; (2) he is 18 years of age or older; (3) he has submitted 2 professional letters of reference, with at least 1 being from an employer or professional in the massage therapy or medical field; (4) he shall be of good moral character as determined by the discretion of the board; (5) he shall have successfully completed a course of study consisting of at least 500 classroom hours or an equivalent number of credit hours of supervised instruction at a licensed massage school; (6) he shall have not been convicted in any jurisdiction of sexually-related crime or a crime involving moral turpitude for the 10 years immediately before the date of application; (7) he shall provide proof of professional liability coverage; and (8) he demonstrates such professional competence as may be required

by the board's regulations.

(b) The director of professional licensure shall determine the renewal cycle and renewal period for massage therapy licenses. Each person licensed in accordance with these sections shall apply to the board for renewal of his license on or before the expiration date, as determined by the director, unless such license was revoked, suspended or canceled earlier by the board as a result of a disciplinary proceeding instituted pursuant to this chapter. Applications for renewal shall be made on forms approved by the board and accompanied by payment of a renewal fee, as prescribed by the executive office of administration and finance pursuant to section 3B of chapter 7, which fee shall not be less than $100.

(c) As a condition for renewal of his license, each licensed massage therapist shall furnish the board with satisfactory proof that: (1) he shall not have been convicted in any jurisdiction of a sexually-related crime or a crime involving moral turpitude since the original application for licensure; (2) he shall have professional liability coverage; and (3) he shall have completed such continuing education regarding massage therapy and business practices reflecting acceptable national standards, as reviewed and approved by the board. Upon satisfactory compliance with the licensing requirements for massage therapists and successful completion of the continuing education requirements, the board shall issue a renewal license showing that the holder is entitled to be licensed for the renewal period. The board may provide for the late renewal of a license which has lapsed and may require payment of a late fee. All licensing and application fees collected pursuant to sections 227 to 235, inclusive, shall be deposited into the trust fund established in section 35V of chapter 10.

Section 230. The board may provide reciprocal licenses for registered, certified or licensed massage therapists from other jurisdictions if the standards of registration, certification or licensure in their jurisdictions are reasonably equivalent to those set forth in section 229. The board shall adopt rules and regulations for the implementation of this section. The fee for a reciprocal license shall be prescribed by the executive office of administration and finance pursuant to section 3B of chapter 7 and shall not be less than $100. An applicant shall not be granted reciprocity if his license to practice is revoked or suspended by any other jurisdiction. The board, subject to a vote of the majority of its members, may revoke a license if the license, certificate, registration or authority issued by another state or territory of the United States, the District of Columbia, or a foreign state or nation is revoked, cancelled, suspended, or otherwise acted against, or if the holder has been disciplined in that jurisdiction, if the basis for the action would constitute a basis for disciplinary action in the commonwealth.

Section 231. The board may grant a license to an applicant who: (1) either: (a) provides documentation acceptable to the board demonstrating the applicant has provided at least 500 hours of massage to members of the public for compensation; (b) has been authorized to practice massage therapy by the municipal board of health within the commonwealth, such authorization being valid within 2 years of the date of application; or (c) provides proof of the successful passage of a board approved examination administered by a national organizational or board accredited by the National Commission of Certifying

Agencies and approved by the National Organization for Competency Assurance; (2) submits a completed application and pays the necessary fee prescribed by the executive office of administration and finance pursuant to section 3B of chapter 7; (3) is of good moral character as determined by the discretion of the board; and (4) provides proof of professional liability coverage.

Section 232. (a) The board shall conduct inspections and investigate all complaints filed relating to the proper practice of massage therapy, the operation of a massage school, and any violation of sections 227 to 236, inclusive, or any rule or regulation of the board. Such complaints may be brought by any person, or the board may, on its own, initiate a complaint.

(b) The board shall be under the supervision of the division of professional licensure and shall have all the authority conferred under sections 61 to 65E, inclusive. For the purposes of this section and sections 61 to 65E, inclusive, conduct which places into question the holder's competence to practice massage therapy shall include, but not be limited to: (1) committing fraud or misrepresentation in obtaining a license; (2) criminal conduct which the board determines to be of such a nature as to render the person unfit to practice as a licensed massage therapist, as evidenced by criminal proceedings which resulted in a conviction, guilty plea or plea of nolo contendere or an admission of sufficient facts; (3) violating any rule or regulation of the board; (4) failing to cooperate with the board or its agents in the conduct of an inspection or investigation; (5) failing to fulfill any continuing education requirements set out by the board; (6) violating an ethical standard which the board determines to be of such a nature as to render the person unfit to practice as a massage therapist, including, but not limited to:

(i) inappropriate conduct or touching in the practice of massage therapy;

(ii) offering medical opinion or diagnosis; or

(iii) negligence in the course of professional practice.

The board may issue an order to a licensee directing him to cease and desist from unethical or unprofessional conduct if the board finds, after the opportunity for a hearing, that the licensee has engaged in such conduct.

(d) A massage therapist, whose license to practice is suspended for more than 1 year for professional misconduct with regard to insurance claims, shall not own, operate, practice in or be employed by another massage therapist, or a physical therapist or chiropractor, in any capacity, until the license is reinstated by the board. A massage therapist, whose license is suspended for a second offense with regard to insurance claims, shall have the license permanently revoked and may not own, operate, practice or be employed in a business that provides massage therapy, physical therapy or chiropractic care.

(e) Nothing in this section shall limit the board's authority to impose sanctions by consent agreement that are considered reasonable and appropriate by the board. Any person aggrieved by any disciplinary action taken by the board pursuant to this section or section 235 may, pursuant to section 64, file a petition for judicial review.

Section 233. The board shall, upon the application of any school desiring to teach massage therapy, inspect the school and notify the governing body thereof in writing if the school is approved for licensure by the board or, if not, what action the school must take in order to be licensed by the board. The application shall be on a form furnished by the board, which application shall be signed and sworn to by the applicant. Each application shall be accompanied by a fee as prescribed by the secretary of administration and finance in accordance with section 3B of chapter 7. Licenses to operate a massage school shall be valid for a period determined by the director of professional licensure and may be renewed for a like period upon application therefor on forms to be furnished by the board. The fee for each renewal shall be determined under the aforementioned provision. The board shall further establish standards to be met by the massage therapy school and shall require the school to maintain a curriculum that meets the criteria established by the board. When in the opinion of the board the standards have been met by the school, the school shall be licensed. No school or entity may teach massage therapy unless licensed by the board. No person may instruct in a massage school unless he is licensed by the board. If at any time a licensed school has in the opinion of the board lowered its standards below those established by the board or violated any law, rule or regulation of the board, the license may, after notice and an opportunity for hearing, be revoked by the board. Any applicant aggrieved by the refusal of the board to license a massage school may seek review in the superior court under chapter 30A.

Section 234. The board shall adopt regulations necessary to ensure the safe and lawful practice of massage therapy. Every person receiving a license from the board shall conspicuously display the same in his place of business.

Section 235. (a) Only persons duly licensed under this chapter shall be designated as massage therapists and entitled to use the term "massage" when advertising or printing promotional material. Any person who uses the term "massage" in his professional title without being authorized to do so shall be subject to discipline by the board. Anyone who: (i) knowingly aids and abets another to use the term "massage" as part of a professional title when the person is not authorized to do so; or (ii) knowingly employs persons not authorized to use the regulated professional title in the course of such employment, shall also be subject to a disciplinary proceeding before the board. It shall also be a violation of this chapter for a person to advertise: (1) as a massage therapist, also known as a muscular therapist, myotherapist, masseur, masseuse or a massage therapy establishment unless a person in its employment holds a valid license under this chapter; (2) by combining advertising for a licensed massage therapy service with escort or dating services; (3) as performing massage in a form in which the person has not received training, or of a type which is not licensed or otherwise recognized by law or administrative rule; or (4) by using any term other than therapeutic massage or massage therapy to refer to the service. The term "advertise" as used in this section shall include, but not be limited to, the issuance of a card, sign or device to another; the causing, permitting, or allowing of any sign or marking on or in any building, vehicle or structure; advertising in a newspaper or magazine or on television; any listing or

advertising in a directory under a classification or heading that includes the word "massage" or commercials broadcast by airwave transmission.

(b) Any persons who are otherwise licensed, certified, or registered under laws of this commonwealth, who are performing services within their authorized scope of practice, and who do not hold themselves out to be massage therapists, shall be exempt from this section.

SECTION 3. Chapter 140 of the General Laws is hereby amended by striking out section 51, as appearing in the 2004 Official Edition, and inserting in place thereof the following section:-

Section 51. (a) No person shall practice massage therapy unless licensed in accordance with sections 227 to 236, inclusive, of chapter 112, except that a person registered as a barber or apprentice under section 87H or 87I of said chapter 112 or as a hairdresser, operator or student under sections 87T to 87JJ, inclusive, of said chapter 112 may practice facial and scalp massaging without a license. Local boards of health may regulate other fields not licensed as massage therapy under said sections 227 to 236, inclusive, of said chapter 112.

(b) No person shall establish businesses for vapor, pool, shower or bath houses unless authorized by the board of health in the municipality where the establishment is to be operated. The board of health may grant the authorization upon such terms and conditions, and may make such rules and regulations in regard to the carrying on of the occupation so licensed, as it considers proper and may revoke any authorization granted by it for such cause as it considers sufficient, without a hearing. A person authorized to establish the giving of vapor, pool, shower or other baths in a municipality may, at the request of a physician, attend patients in another municipality without additional authorization from the other municipality. No massage therapist, whose license to practice massage therapy is revoked or suspended for more than 1 year with regard to insurance claims, shall own, operate, practice in, or be employed by a massage therapy office, clinic, or other place designated for the practice of massage therapy, physical therapy or chiropractic.

SECTION 4. The board of registration of massage therapy shall receive applications for licenses under section 231 of chapter 112 of the General Laws on or before May 1, 2008.

This bill was returned by the Governor to the Senate, the branch in which it originated, with his objections thereto, was passed by the Senate on June 22, 2006, and in concurrence by the House of Representatives on June 27, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 136. AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS TO BE ISSUED BY THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is immediately to facilitate the issuance of bonds to carry out the purposes of a certain act passed by the general court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section 3 of chapter 53 of the acts of 2005, shall be issued for a term not to exceed 20 years. All such bonds shall be payable not later than June 30, 2030, as recommended by the governor in a message to the general court dated September 27, 2005 pursuant to section 3 of Article LXII of the Amendments to the Constitution.

Approved July 5, 2006.

Chapter 137. AN ACT REMOVING AUTOMATIC QUALIFICATION FOR CERTAIN LICENSES.

Be it enacted, etc., as follows:

SECTION 1. Section 11 of chapter 131 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 7 to 12, the words "; provided, however, that any individual issued a firearm identification card under section 129B of chapter 140 or a license to carry firearms, including Class A and Class B licenses, under section 131 of said chapter 140 shall be automatically qualified to receive a sporting, hunting, fishing or trapping license".

SECTION 2. Section 14 of said chapter 131, as so appearing is hereby amended by striking out, in line 5, the words "January first, nineteen hundred and ninety-seven" and inserting in place thereof the following words:- January 1, 2007.

SECTION 3. Said section 14 of said chapter 131, as so appearing, is hereby further amended by striking out the fifth paragraph.

Approved July 6, 2006.

Chapter 138. AN ACT FURTHER REGULATING THE CHERRY VALLEY AND ROCHDALE WATER DISTRICT.

Be it enacted, etc., as follows:

Chapter 105 of the acts of 1996 is hereby amended by inserting after section 3 the following section:—

Section 3A. The district, acting by and through its board of water commissioners, may acquire, merge, consolidate, partner, combine, organize, reorganize, associate or otherwise join together or act in concert with any municipality, district, governmental unit or any other form of governmental body, company, or other entity under any form of agreement, contract, compact, consent or accord, including, without limitation, an intermunicipal agreement under section 4A of chapter 40 of the General Laws, for any and all purposes which would further the interests of the inhabitants of the district, as those interests may be determined by the board of water commissioners and ratified by a majority vote of the voters of the district present and voting at a district meeting.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on June 28, 2006, and in concurrence by the Senate on June 30, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 139. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2007 FOR THE MAINTENANCE OF THE DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH, FOR INTEREST, SINKING FUND AND SERIAL BOND REQUIREMENTS AND FOR CERTAIN PERMANENT IMPROVEMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is immediately to make appropriations for the fiscal year beginning July 1, 2006, and to make certain changes in law, each of which is immediately necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of the several departments, boards, commissions and institutions and other services, and for certain permanent improvements and to meet certain requirements of law, the sums set forth in sections 2, 2B, 2D and 3, for the several purposes and subject to the conditions specified in sections 2, 2B, 2D and 3, are hereby appropriated from the General Fund unless specifically designated otherwise, subject to the provisions of law regulating the disbursement of public funds and the approval thereof for the fiscal year ending June 30, 2007. All sums appropriated under this act, including supplemental and deficiency budgets, shall be expended in a manner reflecting and encouraging a policy of nondiscrimination and equal opportunity for members of minority groups, women and handicapped persons. All officials and employees of an agency, board, department, commission or division receiving monies under this act shall take affirmative steps to ensure equality of opportunity in the internal affairs of state government, as well as in their relations with the public, including those persons and organizations doing business with the commonwealth. Each agency, board, department, commission or division, in spending appropriated sums and discharging its statutory responsibilities, shall adopt measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rates of compensation, in-service or apprenticeship training programs and all terms and conditions of employment.

SECTION 1A. In accordance with Articles LXIII and CVII of the Articles of Amendment to the Constitution of the Commonwealth and section 6D of chapter 29 of the General Laws, it is hereby declared that the amounts of revenue set forth in this section by source for the respective funds of the commonwealth for the fiscal year ending June 30, 2007 are necessary and sufficient to provide the means to defray the appropriations and expenditures from such funds for said fiscal year as set forth and authorized in sections 2 and 2B. The comptroller shall keep a distinct account of actual receipts from each such source by each such fund to furnish the executive office for administration and finance and the house and senate committees on ways and means with quarterly statements comparing such

receipts with the projected receipts set forth herein and to include a full statement comparing such actual and projected receipts in the annual report for said fiscal year pursuant to section 13 of chapter 7A of the General Laws. The quarterly and annual reports shall also include detailed statements of any other sources of revenue for the budgeted funds in addition to those specified in this section.

Fiscal Year 2007 Revenue by Source and Budgeted Fund (in Millions)

Source	All Budgeted Funds	General Fund	Highway Fund	School Building Trust	MBTA
Alcohol. Bev.	70.3	70.3			
Cigarettes	416.3	416.3			
Corporations	1,257.9	1,257.9			
Deeds	210.1	210.1			
Estate Inher.	221.1	221.1			
Financial Institutions	338.9	338.9			
Income	10,817.2	10,817.2			
Insurance	421.1	421.1			
Motor Fuels	685.2	98.4	586.0		
Public Utils.	113.3	113.3			
Room Occupancy	107.8	70.1			
Sales-Regular	3,070.8	1,977.6		479.0	614.2
Sales-Meals	614.6	614.6			
Sales-Mot.Veh.	599.2	385.9		93.5	119.8
Miscellaneous	3.7	3.7			
UI Surcharges	21.4				
Total Taxes	**18,969.0**	**17,016.4**	**586.0**	**572.5**	**734.0**
SBAB Transfer	**(572.5)**			**(572.5)**	
MBTA Transfer	**(734.0)**				**(734.0)**
Pension Transfer	**(1,335.2)**	**(1,335.2)**			
Total Taxes for Budget	**16,327.3**	**15,681.3**	**586.0**	**0.0**	**0.0**
Non-Tax Revenue					
Federal Reimbursements	6,170.1	6,161.5	3.7		
Departmental Revenue	2,142.3	1,647.8	442.8		
Consolidated Transfers	658.1	1,309.9	(99.7)		
TOTAL REVENUE FOR BUDGET	**25,297.1**	**24,799.7**	**932.8**		

* Includes revenue deposited into and transfers out of the Workforce Training Fund, Mass Tourism Fund, Inland Fish and Game Fund, and Stabilization Fund.

SECTION 1B. The comptroller shall keep a distinct account of actual receipts of non-tax revenues by each department, board, commission or institution to furnish the executive office for administration and finance and the house and senate committees on ways and means with quarterly statements comparing such receipts with projected receipts set forth herein and to include a full statement comparing such receipts with projected receipts in the annual report for such fiscal year pursuant to section 13 of chapter 7A of the General Laws. The quarterly and annual reports shall also include detailed statements of any other sources of revenue for the budgeted funds in addition to those specified in this section.

Non-Tax Revenue: Department Summary

Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Judiciary			
Supreme Judicial Court	$2,698,916	$0	$2,698,916
Committee for Public Counsel	$40,000	$750,000	$790,000
Appeals Court	$440,596	$0	$440,596
Trial Court	$85,180,600	$40,000,000	$125,180,600
TOTALS :	**$88,360,112**	**$40,750,000**	**$129,110,112**
District Attorneys			
Northern District Attorney	$0	$0	$0
Northwestern District Attorney	$0	$0	$0
Eastern District Attorney	$0	$0	$0
Middle District Attorney	$0	$0	$0
Plymouth District Attorney	$0	$0	$0
Hampden District Attorney	$0	$0	$0
TOTALS :	**($1)**	**$0**	**($1)**
Office of the Governor			
Office of the Governor	$0	$0	$0
TOTALS :	**$0**	**$0**	**$0**
Office of the Secretary of State			
Secretary of State	$211,747,958	$80,000	$211,827,958
TOTALS :	**$211,747,958**	**$80,000**	**$211,827,958**

Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Office of the State Treasurer			
State Lottery Commission	$1,300,000	$0	$1,300,000
Treasurer's Office	$341,209,845	$0	$341,209,845
State Lottery Commission	$167,165,647	$920,028,283	$1,087,193,930
Mass Cultural Council	$11,893,520	$0	$11,893,520
TOTALS:	**$521,569,012**	**$920,028,283**	**$1,441,597,295**
State Auditor's Office			
State Auditor's Office	$0	$0	$0
TOTALS:	**$0**	**$0**	**$0**
Office of the Attorney General			
Attorney General	$8,512,328	$0	$8,512,328
Victim Witness Assistance	$0	$0	$0
TOTALS:	**$8,512,328**	**$0**	**$8,512,328**
Ethics Commission			
Ethics Commission	$23,350	$0	$23,350
TOTALS:	**$23,350**	**$0**	**$23,350**
Office of the Inspector General			
Inspector General	$112,625	$493,819	$606,444
TOTALS:	**$112,625**	**$493,819**	**$606,444**
Campaign and Political Finance			
Campaign and Political Finance	$9,400	$0	$9,400
TOTALS:	**$9,400**	**$0**	**$9,400**
Office of the State Comptroller			
Comptroller's Office	$252,988,139	$0	$252,988,139
TOTALS:	**$252,988,139**	**$0**	**$252,988,139**
Executive Office: Administration and Finance			
Secretary of Administration and Finance	($184,632,887)	$0	($184,632,887)
Division of Fiscal Affairs - Fringe Recovery	$95,867,599	$0	$95,867,599

Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Fingold Library	$600	$0	$600
George Fingold Library	$0	$20,000	$20,000
Office of Dispute Resolution	$0	$0	$0
DCAMM	$27,002,428	$15,150,000	$42,152,428
Group Insurance Commission	$303,603,673	$0	$303,603,673
Division of Administrative Law Appeals	$86,000	$0	$86,000
M.C.A.D.	$12,000	$1,915,089	$1,927,089
Massachusetts Commission Against	$0	$0	$0
Civil Service Commission	$21,200	$0	$21,200
Department of Revenue	$220,910,008	$16,187,280	$237,097,288
Appellate Tax Board	$1,337,695	$300,000	$1,637,695
Human Resources Division	$24,734	$1,577,500	$1,602,234
Division of Operational Services	$1,079,582	$1,208,000	$2,287,582
BSOB	$145,221	$0	$145,221
Division of Information Technology	$5,000	$467,837	$472,837
Veterans Affairs	$108,800	$300,000	$408,800
TOTALS :	**$465,571,653**	**$37,125,706**	**$502,697,359**
Executive Office: Environmental Affairs			
Department of Conservation and Recreation	$4,180,157	$0	$4,180,157
Secretary of Environmental Affairs	$1,348,730	$625,000	$1,973,730
Department of Conservation and Recreation	$4,755,538	$4,454,826	$9,210,364
Department of Environmental Protection	$18,575	$0	$18,575
Department of Environmental Protection	$40,084,614	$1,200,000	$41,284,614
Fish/Wildlife Environmental Law Enforcement	$14,240,966	$217,989	$14,458,955
Department of Conservation and Recreation	$25,000	$0	$25,000
Department of Conservation and Recreation	$6,796,327	$2,800,000	$9,596,327
Department of Agricultural Resources	$7,349	$0	$7,349
Department of Food and Agriculture	$4,012,821	$0	$4,012,821
TOTALS :	**$75,470,077**	**$9,297,815**	**$84,767,892**

Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Department of Early Education and Care			
Department of Early Education and Care	$198,278,747	$0	$198,278,747
TOTALS :	**$198,278,747**	**$0**	**$198,278,747**
Executive Office of Health and Human Services			
Office of the Secretary	$0	$0	$0
Secretary of Health and Human Services	$2,829,843,009	$225,000,000	$3,054,843,009
Division of Health Care Finance and Policy	$14,936,527	$0	$14,936,527
Mass Commission for the Blind	$3,295,783	$0	$3,295,783
Massachusetts Commission for the Blind	$154,680	$0	$154,680
Mass Rehabilitation Commission	$2,835,546	$330,000	$3,165,546
Mass Commission for the Deaf	$148,500	$175,000	$323,500
Office of Child Care Services	$0	$0	$0
Chelsea Soldiers' Home	$11,953,400	$300,661	$12,254,061
Chelsea Solider's Home	$0	$25,000	$25,000
Holyoke Soldier's Home	$0	$25,000	$25,000
Holyoke Soldiers' Home	$16,434,008	$425,442	$16,859,450
Department of Youth Services	$5,054,188	$0	$5,054,188
Department of Transitional Assistance	$409,530,932	$5,000,000	$414,530,932
Department of Public Health	$90,899,791	$57,634,292	$148,534,083
Department of Social Services	$251,089,926	$5,000,000	$256,089,926
Department of Youth Services	$0	$0	$0
Department of Mental Health	$105,724,225	$5,412,427	$111,136,652
Department of Mental Retardation	$430,317,394	$100,000	$430,417,394
TOTALS :	**$4,172,217,909**	**$299,427,822**	**$4,471,645,731**
Executive Office: Transportation			
Secretary of Transportation	$733,503	$27,344	$760,847
Mass Aeronautics Commission	$439,650	$0	$439,650
Mass Highway	$6,863,000	$7,000,000	$13,863,000
Registry of Motor Vehicles	$435,497,700	$10,000,000	$445,497,700
TOTALS :	**$443,533,853**	**$17,027,344**	**$460,561,197**

Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Board of Library Commissioners			
Board of Library Commissioners	$2,600	$0	$2,600
TOTALS :	**$2,600**	**$0**	**$2,600**
Labor, Education and Development			
Office of Director of Labor	$1,691,800	$152,850	$1,844,650
Department of Industrial Accidents	$20,423,516	$0	$20,423,516
Labor Relations Commission	$0	$0	$0
Board of Concilliation and Arbitration	$95,500	$0	$95,500
Office of Communities and Development	$2,584,593	$2,200,000	$4,784,593
Director of Consumer Affairs and Business Reg.	$0	$0	$0
Secretary of Economic Affairs	$3,000	$0	$3,000
Division of Banks	$14,996,812	$0	$14,996,812
Division of Insurance	$70,951,071	$0	$70,951,071
Division of Registration	$11,787,820	$0	$11,787,820
Division of Standards	$1,504,110	$818,900	$2,323,010
Department of Public Utilities	$15,555,143	$75,000	$15,630,143
Alcohol Beverages Control Commission	$3,767,600	$0	$3,767,600
State Racing Commission	$4,683,663	$0	$4,683,663
Division of Energy Resources	$841,404	$0	$841,404
Department of Education	$7,578,000	$0	$7,578,000
Higher Education	$354,675	$529,843	$884,518
University of Massachusetts	$0	$0	$0
TOTALS :	**$156,818,707**	**$3,776,593**	**$160,595,300**
Executive Office of Public Safety			
Secretary of Public Safety	$0	$368,000	$368,000
Chief Medical Examiner	$0	$1,300,000	$1,300,000
Criminal History Systems Board	$5,022,612	$185,000	$5,207,612
Department of State Police	$647,000	$20,250,000	$20,897,000
Criminal Justice Training Council	$0	$1,363,500	$1,363,500
Department of Public Safety	$15,885,500	$1,780,000	$17,665,500
Department of Fire Services	$120,235	$300,000	$420,235
Merit Rating Board	$36,000	$0	$36,000

Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Sex Offender Registry Board	$4,000	$0	$4,000
Military Division	$1,000	$400,000	$401,000
Emergency Management Agency	$841,274	$0	$841,274
Department of Corrections	$12,145,521	$5,600,000	$17,745,521
Sheriff's Department Franklin	$167,842	$1,400,000	$1,567,842
Sheriff's Department Berkshire	$56,500	$0	$56,500
Sheriff's Department Berkshire	$0	$150,000	$150,000
Sheriff's Department Essex	$660,600	$2,000,000	$2,660,600
Sheriff's Department Hampden	$343,500	$1,170,000	$1,513,500
Sheriff's Department Middlesex	$212,525	$925,000	$1,137,525
Sheriff's Department Hampshire	$183,750	$163,000	$346,750
Sheriff's Department Worcester	$120,579	$0	$120,579
Parole Board	$4,000	$600,000	$604,000
Sheriffs Association	$0	$0	$0
Sheriff's Department Association	$0	$0	$0
TOTALS :	**$36,452,438**	**$37,954,500**	**$74,406,938**
Executive Office of Elder Affairs			
Secretary of Elder Affairs	$901,897,974	$0	$901,897,974
TOTALS :	**$901,897,974**	**$0**	**$901,897,974**
Legislature			
House of Representatives	$0	$0	$0
Joint Legislative	$0	$0	$0
Senate	$0	$0	$0
TOTALS :	**$0**	**$0**	**$0**

SECTION 2.

JUDICIARY.

Supreme Judicial Court.

0320-0003 For the operation of the supreme judicial court, including salaries of the chief justice and the 6 associate justices $7,538,951

0320-0010 For the operation of the clerk's office of the supreme judicial court for Suffolk county $1,188,510

0321-0001 For the operation of the commission on judicial conduct $565,278

0321-0100 For the services of the board of bar examiners $1,087,055

Committee for Public Counsel Services

0321-1500 For the operation of the committee for public counsel services as authorized by chapter 211D of the General Laws; provided, that the committee shall submit a report to the clerks of the house of representatives and senate, not later than January 31, 2007 that shall include, but not be limited to the following: (a) the number of clients assisted by the committee in the prior fiscal year; (b) any proposed expansion of legal services delineated by type of service, target population, and cost; (c) the total number of persons who received legal services by the committee, by type of case and geographic location; (d) the costs for services rendered per client, by type of case and geographic location; (e) the amount paid, if any, to the committee by clients for services rendered by type of case and geographic location; (f) the average cost for services rendered by the committee by type of case and (g) the average number of hours spent per attorney or staff per type of case; and provided further, that the committee shall expend not less than $280,000 for salary increases for existing public defenders paid from this line item $16,977,540

0321-1505 For additional costs of the public defender division; provided, that no funds from this appropriation shall support existing costs associated with line item 0321-1500; provided further, that the committee shall submit a report to the house and senate committees on ways and means not later than January 31, 2007 on the efficiencies gained from the additional resources provided in this item; provided further, that the report shall include, but not be limited to the following: (1) the number of assignment of counsel that this appropriation has shifted from private bar advocates to the public defender division since the effective date of this act, (2) the savings the commonwealth has realized from this appropriation since the effective date of this act, and (3) number of public defender positions filled and the location of the Sexually Dangerous Persons office; and provided further, that not less than $26,000 shall be expended by the committee for the purpose of increasing the salaries of existing public defenders within this line item $938,871

0321-1510 For compensation paid to private counsel assigned to criminal

and civil cases under subsection (b) of section 6 of chapter 211D of the General Laws, pursuant to section 11 of said chapter 211D; provided, that not more than $1,000,000 of the sum appropriated in this item may be expended for services rendered before fiscal year 2007 ..... $119,763,305

0321-1513 For the expansion of the public defender division pursuant to chapter 54 of the acts of 2005; provided, that the committee shall submit a report to the house and senate committees on ways and means not later than January 31, 2007 on the progress of said expansion; provided further, said report shall include the following: (1) the number of offices that have been opened, (2) the number of staff hired to work in the district offices; and (3) the estimated savings the commonwealth has realized from having said cases assigned to public defenders as opposed to being assigned to private bar advocates; and provided further, that no funds from this appropriation shall support existing costs associated with line item 0321-1500 ..... $3,571,630

0321-1518 The chief counsel for the committee for public services may expend an amount not to exceed $750,000 from revenues collected from fees charged for attorney representation of indigent clients $750,000

0321-1520 For fees and costs as defined in section 27A of chapter 261 of the General Laws, as ordered by a justice of the appeals court or a justice of a department of the trial court of the commonwealth on behalf of indigent persons, as defined in said section 27A of said chapter 261; provided, that not more than $500,000 of the sum appropriated in this item may be expended for services rendered before fiscal year 2007 ..... $8,456,513

0321-1600 For the Massachusetts Legal Assistance Corporation to provide legal representation for indigent or otherwise disadvantaged residents of the commonwealth; provided, that notwithstanding section 9 of chapter 221A of the General Laws, $1,204,604 shall be expended for the disability benefits project, $544,286 shall be expended for the Medicare Advocacy Project, and $2,490,993 shall be expended for the Battered Women's Legal Assistance Project; provided further, that the corporation shall submit a report to the house and senate committees on ways and means not later than January 30, 2007 that shall include, but not be limited to the

following: (a) the number of persons whom the programs funded by the corporation assisted in the prior fiscal year; (b) any proposed expansion of legal services delineated by type of service, target population, and cost; and (c) the total number of indigent or otherwise disadvantaged residents of the commonwealth who received services of the corporation, by type of case and geographic location; and provided further, that the corporation may contract with any organization for the purpose of providing the representation $9,470,424

0321-2000 For the operation of the mental health legal advisors committee and for certain programs for the indigent mentally ill, as provided in section 34E of chapter 221 of the General Laws ... $753,248

0321-2100 For the Massachusetts correctional legal services committee $820,000

0321-2205 For the expenses of the social law library located in Suffolk county $1,979,671

Appeals Court.

0322-0100 For the appeals court, including the salaries, traveling allowances and expenses of the chief justice, recall judges and the associate justices $10,616,684

Trial Court.

0330-0101 For the salaries of the justices of the superior court department of the trial court $10,670,677

0330-0102 For the salaries of the justices of the district court department of the trial court $20,048,415

0330-0103 For the salaries of the justices of the probate and family court department of the trial court $6,464,067

0330-0104 For the salaries of the justices of the land court department of the trial court $760,943

0330-0105 For the salaries of the justices of the Boston municipal court $3,743,635

0330-0106 For the salaries of the justices of the housing court department of the trial court $1,277,548

0330-0107 For the salaries of the justices of the juvenile court department of the trial court $5,177,161

0330-0300 For the central administration of the trial court, including costs associated with trial court non-employee services, trial court dental and vision health plan agreement, jury expenses, trial court law libraries, statewide telecommunications, private and

municipal court rental and leases, operation of courthouse facilities, witness fees, printing expenses, equipment maintenance and repairs, court interpreter program, and insurance and chargeback costs; provided, that funds may be expended for the judicial training institute; provided further, that the chief justice for administration and management shall expend funds for the purposes of acquiring, through a lease agreement, suitable space in the town of Belchertown for the district court of eastern Hampshire by April 1, 2007; provided further, that funds from this item or any other item shall not be expended for the cost associated with the district court of eastern Hampshire, unless said division is located in the town of Belchertown as of said date; provided further, notwithstanding any general or special law to the contrary, all criminal and civil business within the eastern Hampshire district court jurisdiction shall be conducted in the town of Belchertown as of said date; provided further, that the chief justice shall submit a report to the house and senate committees on ways and means not later than September 1, 2006 detailing the status of said lease agreement; provided further, that the chief justice for administration and management shall, in consultation with the chief justice of the juvenile court department and the commissioner of the department of capital asset management, submit a report on or before October 1, 2006 assessing the feasibility of expanding the leased space currently utilized by the Dedham Session of the Norfolk County Division of the Juvenile Court Department at 55 Allied Drive in Dedham and renegotiating the existing lease for such premises; provided further, that 50 per cent of all fees payable pursuant to Massachusetts Rules of Criminal Procedure 15(d) and 30(c)(8) shall be paid from this item; provided further, that notwithstanding section 9A of chapter 30, or any general or special law to the contrary, the rights afforded to a veteran, pursuant to said section 9A of said chapter 30, shall also be afforded to any veteran, as so defined, who holds a trial court office or position in the service of the commonwealth not classified under chapter 31, other than an elective office, an appointive office for a fixed term or an office or position under section 7 of chapter 30, and who (1) has held the office or position for not less than 1

year and (2) has 30 years of total creditable service to the commonwealth, as defined in chapter 32; provided further, that not less than $100,000 shall be expended for the implementation of a changing lives through literature program; provided further, that not less than $100,000 shall be expended from this item for a contract with Massachusetts General Hospital for a research program on abused children; provided further that not less than $300,000 shall be expended for the restoration and replacement of the dome and torch of the Bristol county superior court; provided further, that the trial court shall submit a report to the victim and witness assistance board detailing the amount of assessments imposed within each court by a justice or clerk-magistrate during the previous calendar year pursuant to section 8 of chapter 258B of the General Laws; provided further, that the report shall include, but not be limited to, the number of cases in which the assessment was reduced or waived by a judge or clerk-magistrate within the courts; provided further, that the report shall be submitted to the victim and witness assistance board on or before January 14, 2007; and provided further, that not less than $9,903,211 shall be expended for the rental of county court facilities, in accordance with section 4 of chapter 29A of the General Laws; and provided further, that all county facilities shall be reimbursed at 100 per cent from this item in fiscal year 2007 ..... $131,912,460

0330-0317 For the operation and expenses of the Massachusetts sentencing commission, pursuant to chapter 211E of the General Laws $234,170

0330-0410 For alternative dispute resolution services for the trial court; provided, that the services shall be made available to the extent possible in connection with child care, protection and custody proceedings in juvenile and probate courts; provided further, that not less than $50,000 shall be expended for the Housing Services and Mediation Program operated by the Berkshire County Regional Housing Authority in Pittsfield; provided further, that not less than $29,558 shall be expended for Berkshire Mediation Services Inc.; provided further that not less than $60,000 shall be expended for North Central Court Services, Inc.; provided further, that not less than $65,000 shall be expended for the North Shore Community Mediation Program in Salem; provided further, that not less

than $65,000 shall be expended for Metropolitan Mediation Services; provided further, that not less than $62,811 shall be expended for Mediation Works, Inc; provided further, that not less than $50,000 shall be expended for Quabbin Mediation in Athol; provided further, that not less than $50,000 shall be expended for the Mediation and Training Collaborative of Franklin County in Greenfield; provided further, that not less than $65,000 shall be expended for Framingham Court Mediation Services; provided further, that not less than $60,000 shall be expended for the Cape Cod Dispute Resolution Center; provided further, that not less than $65,000 shall be expended for the Community Dispute Settlement Center, Inc., of Cambridge; provided further, that not less than $50,000 shall be expended for the Greater Brockton Center for Dispute Resolution; provided further, that not less than $48,031 shall be expended for the Somerville Mediation Program; provided further, that not less than $65,000 shall be expended for the Middlesex Multi-door Court House Program; and provided further, that not less than $40,000 shall be expended for the Martha's Vineyard Mediation Program; and provided further, that not less than $42,737 shall be expended for Dispute Resolution Services, Inc. in the city of Springfield; and provided further, that not less than $50,000 shall be expended for Community Mediation of Worcester $967,326

0330-0441 For permanency mediation services in the probate and juvenile courts $540,000

0330-3200 For the court security program, including personnel and expenses; provided, that the chief justice for administration and management shall submit a report to the house and senate committees on ways and means not later than January 31, 2007, detailing the number of court officers and security personnel located in each trial court of the commonwealth . . . $59,614,924

0330-3333 The chief justice for administration and management may expend an amount not to exceed $20,000,000 from fees charged and collected pursuant to section 3 of chapter 90C, chapter 185, section 22 of chapter 218 and sections 2, 4A, 4C, 39 and 40 of chapter 262 of the General Laws; provided, that the chief justice shall only expend or allocate funds from this item to the 7 departments of the trial court for the operation of the departments; provided further, that any expenditures or

allocations shall be made in accordance with schedules submitted to the house and senate committees on ways and means 30 days before the expenditures or allocations are made; provided further, that the only revenue available for expenditure in this item for fiscal year 2007 shall be revenue collected from the fees in excess of the amount collected and deposited into the General Fund in fiscal year 2003 from the fees; provided further, that no allocation shall occur until the schedules have been approved by the committees; provided further, that the fees shall continue to be transmitted to the treasurer for deposit into the General Fund before the expenditure authorized by this item; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the chief justice may incur expenses and the comptroller shall certify for payments amounts not to exceed the lower of one half of this authorization or the most recent revenue estimate therefor as reported in the state accounting system $20,000,000

0330-3334 The chief justice for administration and management may expend an amount not to exceed $20,000,000 from fees charged and collected pursuant to section 87A of chapter 276 of the General Laws; provided, that the chief justice shall expend or allocate funds from this item only to the district court and Boston Municipal Court departments of the trial court for the operation of those departments; provided further, that any expenditures or allocations shall be made in accordance with schedules submitted to the house and senate committees on ways and means 30 days before the expenditures or allocations are made; provided however, that the chief justice shall allocate or expend the funds authorized in this item in a manner that accounts for the individual district court's compliance with section 13 of chapter 300 of the acts of 2002; and provided further, that the fees shall continue to be transmitted to the treasurer for deposit into the General Fund before the expenditure authorized by this item $20,000,000

0330-3335 For salary adjustments for clerks and assistant clerks and certain trial court employees pursuant to chapter 106 of the acts of 2005; provided, that any expenditures or allocations shall be made in accordance with schedules submitted to the house and senate committees on ways and means 30 days before the

expenditures or allocations are made $19,007,323

Superior Court Department.

0331-0100 For the administrative office of the superior court department $6,248,393

0331-0300 For medical malpractice tribunals established in accordance with the provisions of section 60B of chapter 231 of the General Laws $59,323

0331-2100 For the Barnstable superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping $716,338

0331-2200 For the Berkshire superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping $201,536

0331-2300 For the Bristol superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping $858,760

0331-2400 For the Dukes superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping $160,515

0331-2500 For the Essex superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping $1,447,990

0331-2600 For the Franklin superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping $299,747

0331-2700 For the Hampden superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping $1,288,286

0331-2800 For the Hampshire superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping $310,264

0331-2900 For the Middlesex superior court; provided, that the clerk of the court shall have responsibility for the internal administration

of his office, including personnel, staff services and record keeping $3,232,440

0331-3000 For the Nantucket superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping $135,265

0331-3100 For the Norfolk superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping $1,186,622

0331-3200 For the Plymouth superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping $1,087,829

0331-3300 For the Suffolk superior civil court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping $2,974,243

0331-3400 For the Suffolk superior criminal court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping $1,940,875

0331-3404 For an education and community outreach pilot program to be administered in the Suffolk superior court $178,902

0331-3500 For the Worcester superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping $1,070,743

District Court Department.

0332-0100 For the administrative office of the district court department, including a civil conciliation program $858,068

0332-1100 For the first district court of Barnstable $536,692

0332-1200 For the second district court of Barnstable at Orleans $385,694

0332-1203 For the third district court of Barnstable at Falmouth $385,344

0332-1300 For the district court of northern Berkshire at Adams, North Adams and Williamstown $272,317

0332-1400 For the district court of central Berkshire at Pittsfield $419,655

0332-1500 For the district court of southern Berkshire at Great Barrington and Lee $232,106

0332-1600 For the first district court of Bristol at Taunton $706,373

0332-1700 For the second district court of Bristol at Fall River $876,214
0332-1800 For the third district court of Bristol at New Bedford $946,315
0332-1900 For the fourth district court of Bristol at Attleboro $583,774
0332-2000 For the district court of Edgartown $169,016
0332-2100 For the first district court of Essex at Salem $698,915
0332-2300 For the third district court of Essex at Ipswich $197,955
0332-2400 For the central district court of northern Essex at Haverhill $594,818
0332-2500 For the district court of eastern Essex at Gloucester $298,508
0332-2600 For the district court of Lawrence $1,095,147
0332-2700 For the district court of southern Essex at Lynn $806,500
0332-2800 For the district court of Newburyport $491,593
0332-2900 For the district court of Peabody $502,084
0332-3000 For the district court of Greenfield $341,966
0332-3100 For the district court of Orange $281,048
0332-3200 For the district court of Chicopee $418,616
0332-3300 For the district court of Holyoke $438,297
0332-3400 For the district court of eastern Hampden at Palmer $301,552
0332-3500 For the district court of Springfield $1,706,366
0332-3600 For the district court of western Hampden at Westfield $287,861
0332-3700 For the district court of Hampshire at Northampton $619,005
0332-3800 For the district court of eastern Hampshire at Belchertown $165,631
0332-3900 For the district court of Lowell $1,205,584
0332-4000 For the district court of Somerville $1,129,155
0332-4100 For the district court of Newton $366,447
0332-4200 For the district court of Marlborough $296,888
0332-4300 For the district court of Natick $418,616
0332-4400 For the first district court of eastern Middlesex at Malden $574,505
0332-4500 For the second district court of eastern Middlesex at Waltham $487,954
0332-4600 For the third district court of eastern Middlesex at Cambridge $1,223,279
0332-4700 For the fourth district court of eastern Middlesex at Woburn $675,132
0332-4800 For the first district court of northern Middlesex at Ayer $368,553
0332-4900 For the first district court of southern Middlesex at Framingham ... $774,063
0332-5000 For the district court of central Middlesex at Concord $389,025
0332-5100 For the district court of Nantucket $120,335
0332-5200 For the district court of northern Norfolk at Dedham $554,723
0332-5300 For the district court of East Norfolk at Quincy $1,565,700
0332-5400 For the district court of western Norfolk at Wrentham $466,815
0332-5500 For the district court of southern Norfolk at Stoughton $604,626
0332-5600 For the municipal court of Brookline $345,274
0332-5700 For the district court of Brockton $1,113,955

0332-5800 For the second district court of Plymouth at Hingham $636,849
0332-5900 For the third district court of Plymouth at Plymouth $790,980
0332-6000 For the fourth district court of Plymouth at Wareham $666,744
0332-6300 For the district court of Chelsea; provided, that notwithstanding the provisions of any general or special law to the contrary, said district court shall be the permanent location for the northern trial session to handle six person jury cases; provided further, that all personnel within said district court whose duties relate to said northern trial session shall report to the clerk magistrate of said district court; and provided further, that the clerk magistrate shall utilize whatever space within the facility-at-large he deems necessary to comply with S.J.C. Rule 3:12, Canon 3(A)6 ..... $831,083
0332-6900 For the central district court of Worcester $1,534,374
0332-7000 For the district court of Fitchburg $502,366
0332-7100 For the district court of Leominster $395,211
0332-7200 For the district court of Winchendon $137,821
0332-7300 For the first district court of northern Worcester at Gardner $351,555
0332-7400 For the first district court of eastern Worcester at Westborough ... $399,279
0332-7500 For the second district court of eastern Worcester at Clinton $275,209
0332-7600 For the district court of southern Worcester at Dudley $475,146
0332-7700 For the second district court of southern Worcester at Uxbridge ... $316,362
0332-7800 For the third district court of southern Worcester at Milford $302,513
0332-7900 For the district court of western Worcester at East Brookfield $316,156

Probate and Family Court Department.

0333-0002 For the administrative office of the probate and family court department $1,307,828
0333-0100 For the Barnstable probate court $981,581
0333-0150 For the operation of a child and parents program in the Barnstable probate court $79,495
0333-0200 For the Berkshire probate court $515,505
0333-0300 For the Bristol probate court $1,619,752
0333-0400 For the Dukes probate court $122,327
0333-0500 For the Essex probate court $1,305,319
0333-0600 For the Franklin probate court $519,668
0333-0700 For the Hampden probate court $2,607,285
0333-0711 For the operation of the Berkshire, Franklin, Hampden and Hampshire family court clinic to be administratively located in the city of Springfield and to serve the Berkshire, Franklin, Hampden and Hampshire divisions of the probate court $39,748

0333-0800 For the Hampshire probate court $645,228
0333-0900 For the Middlesex probate court $3,377,715
0333-0911 For the Middlesex probate court family services clinic $193,762
0333-0913 For the Middlesex community access program of community outreach and education; provided, that the program shall be targeted at low income persons who experience educational and language barriers to court access; and provided further, that the program shall be administered by the register of probate of Middlesex county $191,719
0333-1000 For the Nantucket probate court $175,577
0333-1100 For the Norfolk probate court $1,515,401
0333-1111 For the Norfolk probate court family services clinic $139,772
0333-1200 For the Plymouth probate court $1,359,173
0333-1300 For the Suffolk probate court $2,240,115
0333-1313 For the Suffolk probate community access program of community outreach and education; provided, that said program shall be targeted at low income persons who experience educational and language barriers to court access; and provided further, that said program shall be administered by the register of probate of Suffolk county $250,000
0333-1400 For the Worcester probate court $1,682,350
0333-1411 For the Worcester probate court family services clinic $189,362

Land Court Department.

0334-0001 For the operation of the land court $2,386,331

Boston Municipal Court Department

0335-0001 For the central division of the Boston municipal court department including the administrative costs of said court department ... $3,185,464
0335-0100 For the Brighton division of the Boston municipal court department $326,154
0335-0200 For the Charlestown division of the Boston municipal court department $232,655
0335-0300 For the Dorchester division of the Boston municipal court department $1,149,514
0335-0400 For the East Boston division of the Boston municipal court department $582,745
0335-0500 For the Roxbury division of the Boston municipal court department $1,116,770
0335-0600 For the South Boston division of the Boston municipal court department $407,439

0335-0700 For the West Roxbury division of the Boston municipal court department $733,061

Housing Court Department.

0336-0002 For the administrative office of the housing court department $103,132
0336-0100 For the Boston housing court $932,876
0336-0200 For the western division of the housing court $691,755
0336-0300 For the Worcester county housing court $694,614
0336-0400 For the southeastern division of the housing court $1,214,514
0336-0500 For the northeastern division of the housing court $650,698

Juvenile Court Department.

0337-0002For the administrative office of the juvenile court department $895,237
0337-0100 For the Suffolk county juvenile courts $1,250,224
0337-0200 For the Bristol juvenile court $1,248,840
0337-0300 For the Hampden county juvenile courts; provided further, that $145,841 shall be expended for the CASA program in the Springfield Juvenile Courts $1,297,623
0337-0400 For the Worcester county juvenile courts; provided further, that $72,920 shall be expended for the CASA program in the Worcester Juvenile Court $1,083,597
0337-0500 For the Barnstable county juvenile court, including the Barnstable county juvenile court located in the town of Plymouth $737,608
0337-0600 For the Essex county juvenile courts; provided further, that $100,000 shall be expended for the CASA program in the Lawrence Juvenile Court $1,055,220
0337-0700 For the Hampshire and Franklin counties juvenile courts; provided further, that $77,478 shall be expended for the Franklin/Hampshire CASA program, including the Northampton, Greenfield, Orange and Ware District Court $686,132
0337-0800 For the Plymouth county juvenile courts; provided further, that $72,920 shall be expended for the CASA program, in Plymouth County Juvenile Courts $790,686
0337-0900 For the Berkshire county juvenile courts; provided further, that $54,690 shall be expended for a Berkshire CASA program, in the Berkshire County Juvenile Courts $499,471
0337-1000 For the Middlesex county juvenile courts $1,104,188
0337-1100 For the Norfolk county juvenile courts $916,996
0339-1001 For the office of the commissioner of probation; provided, that

notwithstanding the any general or special law, rule or regulation to the contrary, the commissioner, subject to appropriation, shall have exclusive authority to appoint, dismiss, assign and discipline probation officers, associate probation officers, probation officers-in-charge, assistant chief probation officers and chief probation officers; provided further, that the associate probation officers shall only perform in-court functions and shall assume the in-court duties of the currently employed probation officers who shall be reassigned within the probation service subject to collective bargaining agreements to perform intensive, community-based supervision of probationers, including the provisions of intensive supervision and community restraint services as described in item 0339-1004; provided further, that no funds shall be expended from this line item to cover the costs of building leases; provided further, that notwithstanding any general or special law, rule or regulation to the contrary, probation officer personnel and probation clerical support staff assigned to the courts shall be provided with suitable office space in their current location in and around the various divisions and departments of the trial court, as the case may be, or in suitable office space as appropriate, with the advice and consent of the commissioner; provided further, that there shall be two regional program managers funded from this item who shall be responsible for the oversight of the management and daily operation of the probation electronic monitoring program; provided further, that the office shall enter into an interagency service agreement with the department of revenue to verify income data and to utilize the departments wage reporting and bank match system for the purpose of weekly tape-matching, so-called, for the purposes of determining an individual's eligibility for appointment of indigent counsel, as defined in chapter 211D of the General Laws; provided further, that not less than $100,000 shall be expended for the purpose of funding the position an academy coordinator (1) and custodial staff (1), at the Central Massachusetts Probation Training Academy located in the town of Clinton; provided further, that the office shall submit quarterly reports to the house and senate committees on ways and means detailing the progress of eligibility verification with the department; and provided

further, that the report shall include, but not be limited to, the number of individuals to be found misrepresenting assets, revenue generated through collection of indigent client fees, the average indigent client fee that each court division collects per case since the effective date of this act, recommendations on improvements in verifying eligibility for counsel and other pertinent information to ascertain the effectiveness of verification $129,049,842

0339-1003 For the operation of the trial court office of community corrections, including the costs of personnel; provided, that not less then $75,000 shall be expended for the position of manager of community service to coordinate community service projects with state government agencies; provided, that no funds shall be expended from this line item to cover the costs of building leases $5,862,043

Office of the Commissioner of Probation.

0339-1004 For the cost of intensive supervision and community corrections programs; provided, that the programs shall include, but not be limited to, tracking, community service, educational assistance, drug and alcohol testing and treatment, curfew enforcement, home confinement, day reporting, means-tested fines, restitution, and community incapacitation or restraint; provided further, that the number of placements in the programs shall not exceed a daily average goal of 5,000 intensively-supervised probationers; provided further, that funds from this item shall be expended to cover the costs of the programs that are undertaken and administered by court probation offices and county sheriffs' offices; provided further, that said funds shall be expended for the purpose of providing said programs in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties in fiscal year 2007; provided further, that the executive director of the office of community corrections of the trial court shall enter into interagency service agreements and memoranda of understanding with the probation offices and sheriffs' offices for the provision of said programs, including the contracting for detention space for probationers arrested for violating probation and awaiting court action and

detention space for probationers who have been ordered by the trial court to be supervised at a higher level of restraint; provided further, that said agreements and memoranda shall be entered into at the direction of the executive director; provided further, that the executive director shall submit a spending and management plan for the programs to the house and senate committees on ways and means not later than January 30, 2007; and provided further, that the plan shall include the projected number of probationers to be served by each program and include a description of the oversight and services provided to the probationers $16,199,621

Office of the Jury Commissioner.

0339-2100 For the office of the jury commissioner in accordance with chapter 234A of the General Laws $2,310,457

Suffolk District Attorney

0340-0100 For the Suffolk district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, the domestic violence unit and the children's advocacy center; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2006 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) total number of personnel from private law firms participating in the program; (2) name and address of the law firms; (3) duties performed by the personnel; and (4) benefits and cost savings associated with the program; provided further, that not more than $125,000 shall be expended for a North Dorchester safe neighborhood initiative, in Suffolk county; provided further, that 50 per cent of fees payable pursuant to

Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2007 detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2004, 2005 and 2006; (b) how the funds were used in those fiscal years; and (c) balance of the trust fund as of January 1, 2007; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer $15,446,370

0340-0101 For the overtime costs of state police officers assigned to the Suffolk district attorney's office $345,683

General Fund 11.80%

Highway Fund 88.20%

Middlesex District Attorney.

0340-0200 For the Middlesex district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2006 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2007 detailing the

ffice's use of drug forfeiture funds collected pursuant to hapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following; (a) amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2004, 2005 and 2006; (b) how the funds were used in those fiscal years; and (c) balance of the trust fund as of January 1, 2007; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 summarizing the number and types of criminal cases managed or prosecuted by said office in calendar year 2006 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 detailing the total number and use of private attorneys participating in any volunteer prosecutor program provided further, that the report shall include, but not be limited to, the following: (1) total number of personnel from private law firms participating in said program; (2) name and address of the law firms; (3) duties performed by the personnel; and (4) benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer 12,113,638

0340-0201 For the overtime costs of state police officers assigned to the Middlesex district attorney's office $478,682

General Fund 11.80%

Highway Fund 88.20%

Eastern District Attorney.

0340-0300 For the Eastern district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that the office shall submit a report to the house and

senate committees on ways and means not later than February 1, 2007 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2006 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2007 detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2004, 2005 and 2006; (b) how the funds were used in those fiscal years; and (c) balance of the trust fund as of January 1, 2007; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer; and provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) total number of personnel from private law firms participating in the program; (2) name and address of the law firms; (3) duties performed by the personnel; and (4) benefits and cost savings associated with the program $8,351,755

0340-0301 For the overtime costs of state police officers assigned to the Eastern district attorney's office $447,132

General Fund 11.80%

Highway Fund 88.20%

Worcester District Attorney.

0340-0400 For the Worcester district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2006 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that $75,000 may be expended for financial criminal investigations; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2007 detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2004, 2005 and 2006; (b) how the funds were used in those fiscal years; and (c) balance of the trust fund as of January 1, 2007; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) total number of personnel from private law firms participating in the program; (2) name and address of the law firms; (3) duties performed by the personnel; and (4) benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer $8,277,330

0340-0401 For the overtime costs of state police officers assigned to the Worcester district attorney's office $393,480
General Fund 11.80%
Highway Fund 88.20%

0340-0410 For the analyses of narcotic drug synthetic substitutes, poisons, drugs, medicines and chemicals at the University of Massachusetts medical school in order to support the law enforcement efforts of the district attorneys, the state police and municipal police departments $450,000

Hampden District Attorney.

0340-0500 For the Hampden district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2006 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2007 detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2004, 2005 and 2006; (b) how the funds were used in those fiscal years; and (c) balance of the trust fund as of January 1, 2007; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) total number of personnel from private law firms participating

in the program; (2) name and address of the law firms; (3) duties performed by the personnel; and (4) benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer $7,265,407

0340-0501 For the overtime costs of state police officers assigned to the Hampden district attorney's office $322,619

General Fund 11.80%
Highway Fund 88.20%

Hampshire/Franklin District Attorney.

0340-0600 For the Hampshire/Franklin district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2006 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2007 detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2004, 2005 and 2006; (b) how the funds were used in said fiscal years; and (c) balance of the trust fund as of January 1, 2007; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 detailing the total number and use of private

attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) total number of personnel from private law firms participating in the program; (2) name and address of the law firms; (3) duties performed by the personnel; and (4) benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; provided further, that not less than $150,000 shall be expended for the salaries and expenses of a children's advocacy project; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer $4,717,216

0340-0601 For the overtime costs of state police officers assigned to the Hampshire/Franklin district attorney's office $226,191

General Fund 11.80%

Highway Fund 88.20%

Norfolk District Attorney.

0340-0700 For the Norfolk district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2006 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2007 detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a)

amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2004, 2005 and 2006; (b) how the funds were used in those fiscal years; and (c) balance of the trust fund as of January 1, 2007; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) total number of personnel from private law firms participating in the program; (2) name and address of the law firms; (3) duties performed by the personnel; and (4) benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer $8,074,889

0340-0701 For the overtime costs of state police officers assigned to the Norfolk district attorney's office $416,910

General Fund 11.80%

Highway Fund 88.20%

Plymouth District Attorney.

0340-0800 For the Plymouth district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2006 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office

shall submit a report to the house and senate committees on ways and means not later than February 15, 2007 detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2004, 2005 and 2006; (b) how the funds were used in those fiscal years; and (c) balance of the trust fund as of January 1, 2007; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) total number of personnel from private law firms participating in the program; (2) name and address of the law firms; (3) duties performed by the personnel; and (4) benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer $6,564,669

0340-0801 For the overtime costs of state police officers assigned to the Plymouth district attorney's office $340,554

General Fund 11.80%

Highway Fund 88.20%

Bristol District Attorney.

0340-0900 For the Bristol district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2006 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or

prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) total number of personnel from private law firms participating in the program; (2) name and address of the law firms; (3) duties performed by the personnel; and (4) benefits and cost savings associated with the program; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2007 detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2004, 2005 and 2006; (b) how the funds were used in those fiscal years; and (c) balance of the trust fund as of January 1, 2007; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer $6,695,993

0340-0901 For the overtime costs of state police officers assigned to the Bristol district attorney's office $318,380

General Fund 11.80%
Highway Fund 88.20%

Cape and Islands District Attorney.

0340-1000 For the Cape and Islands district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that $125,000 shall be expended to support the sex offender management unit; provided further, that 2 prose-

cutors and administrative support shall be provided to the Cape Cod offender management task force; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2006 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) total number of personnel from private law firms participating in the program; (2) name and address of the law firms; (3) duties performed by the personnel; and (4) benefits and cost savings associated with the program; provided further, that not more than $20,000 be expended for Cape & Islands Child Advocacy Center at Children's Cove in Hyannis; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2007 detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2004, 2005 and 2006; (b) how the funds were used in those fiscal years; and (c) balance of the trust fund as of January 1, 2007; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer $3,464,863

0340-1001 For the overtime costs of state police officers assigned to the Cape and Islands district attorney's office $271,954
General Fund 11.80%
Highway Fund 88.20%

Berkshire District Attorney.

0340-1100 For the Berkshire district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2006 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 15, 2007 detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2004, 2005 and 2006; (b) how the funds were used in those fiscal years; and (c) balance of the trust fund as of January 1, 2007; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) total number of personnel from private law firms participating in the program; (2) name and address of the law firms; (3) duties performed by the personnel; and (4) benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; and provided further, that at least 30 days before transferring

any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer $3,167,184

0340-1101 For the overtime costs of state police officers assigned to the Berkshire district attorney's office $126,739

General Fund 11.80%
Highway Fund 88.20%

DISTRICT ATTORNEYS' ASSOCIATION.

0340-2100 For the operation of the Massachusetts District Attorneys' Association, including the implementation and related expenses of the district attorneys' office automation and case management and tracking system; provided, that expenses associated with the system may be charged directly to this item; provided further, that the 11 district attorneys of the commonwealth may contribute a portion of their fiscal year 2007 appropriation to the Massachusetts District Attorneys' Association in order to alleviate the cost of the case management and tracking system as well as the cost of data lines associated with the district attorney's computer network; provided further, that the department shall work in conjunction with the disabled persons protection commission and the eleven district attorneys offices to prepare a report that shall include, but not be limited to, the following: (1) the number of abuse cases that are referred to each said district attorney's office for further investigation; (2) the number of said referrals resulting in the filing of criminal charges, delineated by type of charge; (3) the number of cases referred to each said district attorneys office that remain open as of the date for submission of said report; and (4) the number of cases resulting a criminal prosecution, and the disposition of each such prosecution; provided further, that said report shall be submitted to the house and senate committees on ways and mean on or before March 15, 2007; provided further, that each district attorney shall submit a report to the Massachusetts District Attorneys' Association and the house and senate committees on ways and means delineating all funds expended for the purpose of implementing the case management and tracking system not later than January 30, 2007; provided further, that the report shall include, but not

be limited to, an analysis of the total cost of the district attorneys' computer network, the total cost incurred by each district attorney's office, a detailed list of all hardware and software leased, owned or operated by each district attorney, a plan for any purchases to be made in the remainder of fiscal year 2007 and a detailed summary of any policies implemented to contain the costs of the network by either the Massachusetts District Attorneys' Association or the individual district attorneys' offices; provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated in this item; and provided further, that the association shall submit a report to the house and senate committees on ways and means not later than January 31, 2007 detailing, by district attorney office, all sources of revenue, including, but not limited to, federal and state grants that were received in fiscal year 2006, and the amount of each source of revenue ... $1,785,056

0340-8908 For the costs associated with maintaining the association's wide area network $1,342,463

EXECUTIVE.

0411-1000 For the offices of the governor, the lieutenant governor and the governor's council; provided, that the amount appropriated in this item may be used at the discretion of the governor for the payment of extraordinary expenses not otherwise provided for and for transfer to appropriation accounts where the amounts otherwise available may be insufficient; provided further, that funds may be expended for the governor's commission on mental retardation; and provided further that the advisory council on Alzheimer diseases and related disorders as established in the office of the governor by section 379 of chapter 194 of the acts of 1998, and section 80 of chapter 236 of the acts of 2000, shall continue during fiscal year 2007 .... $5,085,741

SECRETARY OF THE COMMONWEALTH.

Office of the Secretary of the Commonwealth.

0511-0000 For the operation of the office of the secretary; provided, that the office shall submit a report detailing staffing patterns for each

program operated by the office; provided further, that the report shall include, but not be limited to, actual and functional job titles by program, compensation rates and lengths of service for each employee; provided further, that the office shall submit the report not later than January 31, 2007 to the house and senate committees on ways and means; and provided further, that the secretary may transfer funds between items 0540-0900, 0540-1000, 0540-1100, 0540-1200, 0540-1300, 0540-1400, 0540-1500, 0540-1600, 0540-1700, 0540-1800, 0540-1900, 0540-2000, 0540-2100 pursuant to an allocation schedule filed with the house and senate committees on ways and means not less than 30 days before the transfer; provided further, that each register of deeds using electronic record books shall ensure that all methods of electronically recording instruments conform to any regulation or standard established by the state secretary or the records conservation board, and those regulations shall be promulgated no later than June 30, 2007 ..... $6,902,837

0511-0001 The state secretary may expend revenues not to exceed $30,000 from the sale of merchandise at the Massachusetts state house gift shop for the purpose of replenishing and restocking gift shop inventory $30,000

0511-0108 The state secretary acting on behalf of the commonwealth may sell, transfer or license the division of corporations' software and related documents pertaining to its web based searching and filing applications, including uniform commercial code software, developed by the department of the secretary and copyrighted by it to other states, multi-state or regional associations or other sovereign governments on such terms or conditions as in his sole discretion reasonably compensates the commonwealth for its interests; provided, that the secretary may retain and expend revenues collected from the sales, licensure or user agreements in an amount not to exceed $50,000 for technical activities of the corporations division, the remainder to be deposited in the General Fund; provided further, that the secretary may also provide web hosting, and on-going support and maintenance to other states, provinces or territories of Canada relative to their UCC and corporate applications; and provided further, that the department of the state secretary may accept credit and debit cards from individuals and corporations filing documents with the department $50,000

0511-0200 For the operation of the state archives division $539,562

0511-0230 For the operation of the records center $156,185

0511-0250 For the operation of the archives facility $475,775

0511-0260 For the operation of the commonwealth museum provided further, no less than $1,500,000 shall be expended for the Commonwealth Museum located at the Massachusetts Archives in Dorchester to renovate existing space of the Museum that will exhibit many treasures of the Commonwealth including the original 1692 Charter of Province of Massachusetts Bay, the Massachusetts Constitution, the Bill of Rights, the Declaration of Independence $1,697,455

0511-0270 The Secretary of State shall contract with the UMass Donahue Institute for not less than $100,000 to provide the Commonwealth with technical assistance on US Census Data and prepare annual population estimates $100,000

0511-0420 For the operation of the address confidentiality program $112,99

0517-0000 For the printing of public documents $907,957

0521-0000 For the operation of the elections division, including preparation, printing and distribution of ballots and for other miscellaneous expenses for primary and other elections; provided, that the secretary of state may award grants for voter registration and education in the cities of Boston, Springfield, Lawrence and Worcester; provided further, that not less than $43,700 shall be expended for the establishment of the Lawrence Election Monitoring Program; provided further, that the registration and education activities may be conducted by community-based voter registration and education organizations; and provided further, that the secretary shall submit a report to the house and senate committees on ways and means not later than January 31, 2007 detailing the amount appropriated for the purposes of providing reimbursements for the costs of extended polling hours from this item to each city or town $5,337,343

0521-0001 For the operation of the central voter registration computer system; provided, that an annual report detailing voter registration activity shall be submitted to the house and senate committees on ways and means on or before January 31, 2007 ..... $5,462,603

0524-0000 For providing information to voters $1,201,161

0526-0100 For the operation of the Massachusetts Historical Commission $991,125

0527-0100 For the operation of the ballot law commission $12,380

0528-0100 For the operation of the records conservation board $39,307
0540-0900 For the registry of deeds located in Lawrence in the former county of Essex $841,658
0540-1000 For the registry of deeds located in Salem in the former county of Essex $2,713,400
0540-1100 For the registry of deeds in the former county of Franklin $581,706
0540-1200 For the registry of deeds in the former county of Hampden $2,179,148
0540-1300 For the registry of deeds in the former county of Hampshire $608,341
0540-1400 For the registry of deeds located in Lowell in the former county of Middlesex $1,387,541
0540-1500 For the registry of deeds located in Cambridge in the former county of Middlesex $3,557,583
0540-1600 For the registry of deeds located in Adams in the former county of Berkshire $315,830
0540-1700 For the registry of deeds located in Pittsfield in the former county of Berkshire $559,729
0540-1800 For the registry of deeds located in Great Barrington in the former county of Berkshire $266,796
0540-1900 For the registry of deeds in the former county of Suffolk $2,287,172
0540-2000 For the registry of deeds located in Fitchburg in the former county of Worcester $787,067
0540-2100 For the registry of deeds located in the city of Worcester in the former county of Worcester $2,111,416
0540-2500 For moving and relocation costs for the Essex registry of deeds, northern district; Essex registry of deeds, southern district; and Worcester registry of deeds; provided, that the secretary shall submit a report to the house and senate committees on ways and means not later than June 30, 2007 detailing the exact cost of each move provided further, that a report regarding the status of structures and locations of each registry of deeds funded in this section shall be submitted to the house and senate committees on ways and means on or before December 31, 2006; provided further, that the report shall state, for each registry of deeds funded in this section, whether the space occupied by the registry is owned or leased by the commonwealth, the start and end dates of each current lease for the registry, the amount of square footage occupied by each registry and whether there is an immediate or otherwise projected need for the registry to increase the square footage it occupies; $4,832,633

TREASURER AND RECEIVER-GENERAL.

Office of the Treasurer and Receiver General.

0610-0000 For the office of the treasurer and receiver-general; provided, that the treasurer shall provide computer services required by the teachers' retirement board; provided further, that to the extent that bank fees exceed the amount appropriated in item 0610-0100, the treasurer may, subject to an allocation plan filed in advance with the house and senate committees on ways and means, transfer from this item to said item 0610-0100, an amount sufficient to ensure full payment of the bank fees; provided further, that not less than $37,000 shall be granted to the elder advocacy organization known as the Silver-Haired Legislature; provided further, that the treasurer's office shall submit a report to the victim and witness assistance board which details the amount of assessments transmitted to the treasurer during the previous calendar year on a monthly basis from the courts, the registrar of motor vehicles and the sheriff or superintendent of any correctional facility pursuant to section 8 of chapter 258B; provided further, that the report shall be submitted to the board on or before January 31, 2007; and provided further, that the treasurer's office shall pay half of the administrative costs of the municipal finance oversight board from this item $7,385,102

General Fund 90.0%

Highway Fund 10.0%

0610-0050 For the administration of the alcoholic beverages control commission in its efforts to regulate and control the conduct and condition of traffic in alcoholic beverages; provided, that said commission shall maintain at least one chief investigator and other investigators for the purpose of regulating and controlling the traffic of alcoholic beverages; provided further, that said commission is authorized and directed to work and cooperate with the Alcohol, Tobacco, and Firearms division of the United States Department of Justice and other relevant federal agencies to assist in its efforts to regulate and control the traffic of alcoholic beverages; and provided further, that said commission is directed to seek out matching federal dollars and to apply for federal grants that may be available to assist in the enforcement of laws pertaining to the traffic of alcoholic beverages $1,875,098

0610-0100 For the payment of bank fees; provided, that the treasurer may transfer funds from this item to item 0610-0000 for one-time, non-recurring expenditures upon certification to the secretary of administration and finance that the remaining balance in this account will be sufficient to make all necessary expenditures $3,600,000

General Fund 90.0%

Highway Fund 10.0%

0610-0140 For the purpose of funding administrative, transactional and research expenses associated with maintaining and increasing the interest earnings on the Commonwealth's General and Stabilization Fund investments $25,000

0610-2000 For payments made to veterans pursuant to section 16 of chapter 130 of the acts of 2005; provided, that the office of the state treasurer may expend not more than $150,000 for costs incurred in the administration of these payment $3,643,000

0611-1000 For bonus payments to war veterans $50,000

0611-1010 For the cost of life insurance premiums for National Guard members pursuant to section 88B of chapter 33 of the General Laws $1,170,000

0611-5500 For additional assistance to cities and towns to be distributed according to section 3 and for assistance to certain public entities of the commonwealth which have constructed water pollution abatement facilities; provided, that the distribution to the public entities shall equal $1,249,948; and provided further, that if there is a conflict between the provisions of the distribution set forth in section 3 and any other provisions of this act, the distribution set forth in section 3 shall control . $379,767,936

0611-5510 For reimbursements to cities and towns in lieu of taxes on state-owned land pursuant to sections 13 to 17, inclusive, of chapter 58 of the General Laws $25,300,000

0611-5800 For distribution to each city and town within which racing meetings are conducted pursuant to section 18D of chapter 58 of the General Laws $2,500,000

Pension Benefits.

0612-0105 For payment of the public safety employee killed in the line of duty benefit authorized by section 100A of chapter 32 of the General Laws $500,000

Commission on Firefighters' Relief.

0620-0000 For financial assistance to injured firefighters $9,808

Lottery Commission.

0640-0000 For the operation of the state lottery commission and arts lottery; provided, that no funds shall be expended from this item for any costs associated with the promotion or advertising of lottery games; provided further, that not later than November 15, 2006 the treasurer shall submit a report to the secretary of administration and finance and the chairpersons of the house and senate ways and means committees on the feasibility of incorporating a factor in the lottery distribution formula to account for statewide variances in lottery sales in each community; provided further, that the state lottery commission will perform a study of programs to ensure responsible gaming habits for consumers; provided further, that the commission shall provide results of the study to the chairpersons of the house and senate ways and means committees not later than December 31, 2006; provided further, that positions funded by this item shall not be subject to chapters 30 and 31 of the General Laws; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the General Fund $76,388,336

0640-0001 For the operation of the state lottery commission; provided, that the commission may seek revenue from corporate advertising for non-lottery products on all lottery products; provided further, that payments from corporate advertising shall be deposited into the General Fund; and provided further, that expenditure in this item is limited to an amount not to exceed revenues collected from corporate advertising payments or the amount appropriated herein, whichever is less $3,653,019

0640-0005 For the costs associated with the continued implementation of the game of keno; provided, that any sums expended on promotional activities shall be limited to point of sale promotions and agent newsletters; and provided further, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery Fund to the General Fund $1,263,481

0640-0010 For the promotional activities associated with the state lottery program; provided, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery Fund to the General Fund $10,000,000

0640-0013 For the costs of the anti-litter program; provided, that said lottery may continue to develop regional environmental awareness events to limit the number of discarded instant tickets that become litter; provided further, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery Fund to the General Fund $100,000

0640-0096 For the purpose of the commonwealth's fiscal year 2007 contributions to the health and welfare fund established pursuant to the collective-bargaining agreement between the lottery commission and the service employees international union, Local 254, AFL -CIO; provided, that the contributions shall be paid to the trust fund on such basis as the collective bargaining agreement provides; and provided further, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery Fund to the General Fund $355,945

MASSACHUSETTS CULTURAL COUNCIL.

0640-0300 For the services and operations of the council, including grants to or contracts with public and non-public entities; provided, that notwithstanding any general or special law to the contrary, the council may expend the amounts herein appropriated for the purposes of the council as provided in sections 52 to 58, inclusive, of chapter 10 of the General Laws in amounts and at times as the council may determine pursuant to section 54 of said chapter 10; provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the Arts Lottery Fund to the General Fund; provided further, that any funds expended from this item for the benefit of schoolchildren shall be expended for the benefit of all Massachusetts schoolchildren and on the same terms and conditions; provided further, that the council shall not expend funds from this item for any grant or contract recipient that, in any program or activity for Massachusetts schoolchildren, does not apply the same terms and conditions

to all such schoolchildren; provided further, that not more than $1,000,000 of the funds appropriated herein shall be used to assist cultural organizations in augmenting or initiating endowments to promote the financial stability of the organizations and the assistance shall be in the form of challenge grants to the organizations; provided further, that in order to receive a grant a cultural organization shall raise an amount at least equal to the amount of the grant for the organization's endowment; provided further, that funds provided by the grants shall, in perpetuity, be used solely to provide free or reduced rate public programs or services to citizens of the commonwealth; provided further, that a grant made under this program shall not exceed $100,000; and provided further, that a person employed under this item shall be considered an employee within the meaning of section 1 of chapter 150E of the General Laws and shall be placed in the appropriate bargaining unit; provided further, that not less than $300,000 shall be allocated to increase the Local Cultural Council Grant Program to provide for a minimum grant of $4,000 per municipality; and provided further, that not less than $350,000 shall be expended to establish the Cultural Tourism Initiative under the Massachusetts Cultural Council, which shall provide matching funds for marketing programs created through regional or local partnerships between tourism professional and non-profit cultural organizations through four pilot programs to be created in four different regions of the state $8,650,000

0640-0350 For the purposes of cultural resources pursuant to section 36 of chapter 69 of the General Laws including grants to or contracts with public and non-public entities; provided, that the council shall not expend funds from this item for any recipient that, in any program or activity for Massachusetts schoolchildren, does not apply the same terms and conditions to all such schoolchildren; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the Arts Lottery Fund to the General Fund $743,520

0640-0351 For the John and Abigail Adams Arts Program, to promote innovations in the arts and humanities within the commonwealth through the disbursement of cultural economic development grants including grants for cultural activities that have the capacity to revitalize communities, stimulate income, create

or enhance jobs, and attract tourism; provided, that the funds shall be administered by the Massachusetts cultural council; provided further, that the mission of grant applicants may include demonstrated scholarship or creativity in, or distinguished service to, the arts and humanities; provided, that grants may focus on seed funding for early stage planning or implementation, creation of enduring partnerships among cultural and non-cultural organizations, defined community needs or opportunities, and creation of innovative and sustainable development models that can be replicated throughout and beyond the commonwealth; provided further, that eligible applicants shall include, but not be limited to, not-for-profit organizations and public sector entities; provided further, that collaborating partners may also include private, for-profit organizations, educational institutions and state or federal agencies; provided further, that grants shall not exceed $100,000 and shall be leveraged by not less than $1 for each $1 granted; provided further, that preference shall be given to an applicant with multiple funding sources that can demonstrate project viability, community support and potential for long-term sustainability; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the General Fund $2,000,000

Debt Service

0699-0015 For the payment of interest, discount and principal on certain bonded debt and the sale of bonds of the commonwealth, previously charged to the Local Aid Fund, the State Recreation Areas Fund, the Metropolitan Parks District Fund, the Metropolitan Water District Fund, the Metropolitan Sewerage District Fund, the Watershed Management Fund, the Highway Fund, and the Inter-City Bus Fund; provided, that payments of certain serial bonds maturing previously charged to the Local Aid Fund, the State Recreation Areas Fund, the Metropolitan Water District Fund, the Metropolitan Sewerage District Fund, and the Highway Fund shall be paid from this item; provided further, that notwithstanding any general or special law to the contrary, the state treasurer may make payments pursuant to section 38C of chapter 29 of the General Laws from this item and item 0699-9100; provided

further, that the payments shall pertain to the bonds, notes, or other obligations authorized to be paid from each item; provided further, that notwithstanding any general or special law to the contrary, the comptroller may transfer the amounts that would otherwise be unexpended on June 30, 2007, from item 0699-0015 to item 0699-9100 or from item 0699-9100 to item 0699-0015 which would otherwise have insufficient amounts to meet debt service obligations for the fiscal year ending June 30, 2007; provided further, that each amount transferred shall be charged to the funds as specified in the item to which the amount is transferred; provided further, that payments on bonds issued pursuant to section 2O of chapter 29 of the General Laws shall be paid from this item and shall be charged to the Infrastructure sub-fund of the Highway fund; provided further, that payments of interest, discount and principal on certain bonded debt of the commonwealth associated with the Watershed Management Fund for the acquisition of development rights and other interests in land, including fee simple acquisitions of watershed lands of the Quabbin and Wachusett reservoirs and the Ware river watershed above the Ware river intake pipe shall be paid from this item; provided further, that notwithstanding any general or special law to the contrary or other provisions of this item, the comptroller may charge the payments authorized herein to the appropriate budgetary or other fund subject to a plan which the comptroller shall file 10 days in advance with the house and senate committees on ways and means; and provided further, that the comptroller shall transfer from this item to the government land bank fund an amount equal to the amount by which debt service charged to said fund exceeds revenue deposited to said fund $1,781,299,000

General Fund 68.07%

Highway Fund 31.93%

0699-2004 For the payment of interest, discount and principal on certain indebtedness which may be incurred for financing the central artery/third harbor tunnel funding shortfall $78,987,000

Highway Fund..... 100.0%

0699-9100 For the payment of interest and issuance costs on bonds and bond and revenue anticipation notes and other notes pursuant to sections 47 and 49B of chapter 29 of the General Laws; provided, that the treasurer shall certify to the comptroller a

schedule of the distribution of costs among the various funds of the commonwealth; provided further, that the comptroller shall charge costs to the funds in accordance with the schedule; and provided further, that any deficit in this item at the close of the fiscal year ending June 30, 2007 shall be charged to the various funds or to the General Fund or highway fund debt service reserves $20,950,000

0699-9101 For the purpose of depositing with the trustee under the trust agreement authorized in section 10 of chapter 11 of the acts of 1997 an amount to be used to pay the interest due on notes of the commonwealth issued pursuant to section 9 of said chapter 11 and secured by the Federal Highway Grant Anticipation Note Trust Fund $60,995,000

0699-9200 For certain debt service contract assistance to the Massachusetts Development Finance Agency in accordance with chapter 23G of the General Laws $10,161,888

STATE AUDITOR.

Office of the State Auditor.

0710-0000 For the office of the state auditor, including the review and monitoring of privatization contracts in accordance with sections 52 to 55, inclusive, of chapter 7 of the General Laws and shared oversight of the central artery/third harbor tunnel project; provided further, that not less than $67,250 shall be expended for the position of executive director of the central artery/third harbor tunnel project oversight coordination commission, as established in section 2B of chapter 205 of the acts of 1996, such that the position may continue to provide administrative and investigative functions to the commission in a manner that is consistent with said section 2B; and provided further, that the auditor's office shall pay half of the administrative costs of the municipal finance oversight board from this item $15,428,202

0710-0100 For the operation of the division of local mandate $623,699

0710-0200 For the operation of the bureau of special investigations; provided, that the department shall file quarterly reports with the house and senate committees on ways and means detailing the total amount of fraudulently obtained benefits identified by the bureau of special investigations of the office of the state

auditor, the total value of settlement restitution payments, actual monthly collections, and any circumstances that produce shortfalls in collections $1,629,595

0710-0225 For the operation of the Medicaid Audit Unit within the Division of Audit Operations in an effort to prevent and to identify fraud and abuse in the MassHealth system; provided, that the federal reimbursement for any expenditure from this line item shall not be less than 50 per cent; and provided further, that the division shall submit a report no later than December 1, 2006 to the house and senate committee ways and means detailing all findings on activities and payments made through the MassHealth system $450,000

Office of the Attorney General

0810-0000 For the office of the attorney general, including the administration of the local consumer aid fund, the operation of the anti-trust division, all regional offices, a high-tech crime unit and the victim and witness compensation program; provided, that the victim and witness compensation program shall be administered in accordance with chapters 258B and 258C of the General Laws; provided further, that the attorney general shall submit to the general court and the secretary for administration and finance a report detailing the claims submitted to the state treasurer for payment under item 0810-0004 indicating both the number and costs for each category of claim; provided further, that not more than $250,000 shall be expended for a grants program for the safe neighborhood initiative-jobs for youth program; provided further, that not more than $250,000 shall be expended for a safe neighborhood initiative program in the Grove Hall area of Boston; provided further, that not more than $250,000 shall be expended from the funds appropriated in this item for a safe neighborhood initiative pilot program in the Bowdoin/Geneva area of the Dorchester district of the city of Boston and in the city of New Bedford; provided further, that the public proceedings unit shall review the water rate increases; provided further, that not more than $240,000 shall be expended for the operation of a child protection unit; provided further, that funds may be expended for the commission on uniform state laws; provided further, that $50,000 shall be expended for the

Trauma Intervention Program of Merrimack Valley; provided further, that not less than $200,000 shall be expended for the National TenPoint Leadership Foundation to reduce gang-related violence in the cities of Brockton, Worcester and Springfield; and provided further, that $260,000 shall be expended for the Ella J. Baker House in the city of Boston for violence prevention programs for high-risk youth $22,687,962

0810-0004 For compensation to victims of violent crimes; provided, that notwithstanding the provisions of chapter 258C of the General Laws, if a claimant is 60 years of age or older at the time of the crime and is not employed or receiving unemployment compensation, such claimant shall be eligible for compensation in accordance with said chapter 258C even if the claimant has suffered no out-of-pocket loss; provided further, that compensation to such claimant shall be limited to a maximum of $50; and provided further, that notwithstanding the provisions of any general or special law to the contrary, victims of the crime of rape shall be notified of all available services designed to assist rape victims including, but not limited to, the provisions outlined in section 5 of chapter 258B of the General Laws $2,156,000

0810-0006 For the rental costs and unavoidable space rental lease obligations associated with certain divisions of the office of the attorney general located in the Leverett Saltonstall building ... $2,414,150

0810-0007 For the overtime costs of state police officers assigned to the attorney general; provided, that costs associated with those officers shall not be funded from item 8100-0007; and provided further, that expenditures shall not be made on or after the effective date of this act which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated in this item $486,517

Highway Fund 88.20%
General Fund 11.80%

0810-0014 For the operation of the department of telecommunications and energy proceedings unit, pursuant to section 11E of chapter 12 of the General Laws; provided, that not withstanding any general or special law to the contrary, the amount assessed under said section 11E of said chapter 12 of the General Laws, shall equal the amount expended from this item and provided further, that not less than $200,000 shall be expended for the expenses of legal and technical personnel and

associated administrative and travel expenses relative to participation in regulatory proceedings at the Federal Energy Regulatory Commission on behalf of Massachusetts ratepayers $1,609,028

0810-0017 For the expenses related to judicial proceedings relevant to the fuel charge pursuant to section 94G of chapter 164 of the General Laws and such other proceedings as may be reasonably related to the section; provided, that the assessment levied for such expense shall be credited to the General Fund $73,500

0810-0021 For the operation of the Medicaid fraud control unit; provided, that the federal reimbursement for any expenditure from this item shall not be less than 75 per cent of the expenditure; provided further, that not less than $225,000 shall continue to be used specifically for the investigation and prosecution of abuse, neglect, mistreatment and misappropriation based on referrals from the department of public health pursuant to section 72H of chapter 111 of the General Laws; provided further, that the unit shall provide training for all investigators of the department's division of health care quality responsible for the investigations on a periodic basis pursuant to a comprehensive training program to be developed by the division and the unit; and provided further, that training shall include instruction on techniques for improving the efficiency and quality of investigations of abuse, neglect, mistreatment and misappropriation pursuant to said section 72H of said chapter 111 ..... $2,656,033

0810-0045 For the labor law enforcement program pursuant to subsection (b) of section 1 of chapter 23 of the General Laws; provided, that notwithstanding any general or special law to the contrary, a non-management position funded by this item shall be considered a job title in a collective bargaining unit as prescribed by the labor relations commission and shall be subject to chapter 150E of the General Laws $3,105,528

0810-0201 For the costs incurred in administrative or judicial proceedings on insurance as authorized by section 11F of chapter 12 of the General Laws; provided, that funds made available in this item may be used to supplement the automobile insurance fraud unit and the workers' compensation fraud unit of the office of the attorney general; and provided further, that notwithstanding any general or special law to the contrary, the

amount assessed for the costs shall be equal to the amount expended from this item $1,389,979

0810-0338 For the investigation and prosecution of automobile insurance fraud; provided, that notwithstanding section 3 of chapter 399 of the acts of 1991, the amount assessed pursuant to said section 3 for the cost of this program shall be $432,026 ..... $432,026

0810-0399 For the investigation and prosecution of workers' compensation fraud; provided, that notwithstanding section 3 of chapter 399 of the acts of 1991, the amount assessed pursuant to said section 3 for the cost of this program shall be $280,164; provided further, that the attorney general shall investigate and prosecute, where appropriate, employers who fail to provide workers' compensation insurance in accordance with the laws of the commonwealth; and provided further, that the unit shall investigate and report on all companies not in compliance with chapter 152 of the General Laws $280,164

Victim and Witness Assistance Board

0840-0100 For the operation of the victim and witness assistance board; provided, that the board shall submit a comprehensive report compiled from the information required of and submitted to the office by the trial court, the registry of motor vehicles and the state treasurer relative to the collection of assessments for the previous calendar year under section 8 of chapter 258B of the General Laws; and provided further, that the report shall be submitted to the house and senate committees on ways and means on or before February 15, 2007 ..... $596,776

0840-0101 For the salaries and administration of the safeplan advocacy program, to be administered by the Massachusetts office of victim assistance; provided, that the office shall submit to the house and senate committees on ways and means not later than February 3, 2007 a report detailing the effectiveness of contracting for the program including, but not limited to, the number and types of incidents to which the advocates responded, the types of services and service referrals provided by the domestic violence advocates, the cost of providing such services and the extent of coordination with other service providers and state agencies $720,116

STATE ETHICS COMMISSION.

0900-0100 For the operation of the state ethics commission $1,535,370

OFFICE OF THE INSPECTOR GENERAL

0910-0200 For the operation of the office of the inspector general $2,716,695

0910-0210 The office of the inspector general may expend revenues collected up to a maximum of $493,819 from the fees charged to participants in the Massachusetts public purchasing official certification program and the certified public manager program for the operation of such programs; provided, that for the purpose of accommodating discrepancies between the receipts of retained revenues and related expenditures, the office of the inspector general may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $493,819

OFFICE OF CAMPAIGN AND POLITICAL FINANCE.

0920-0300 For the operation of the office of campaign and political finance $1,109,853

OFFICE OF THE STATE COMPTROLLER.

1000-0001 For the office of the state comptroller for the purpose and cost of compliance with the Single Audit Act of 1984, Public Law 89-502, and for the federally required comprehensive, statewide single audit of state operations for the fiscal year ending June 30, 2007 in accordance with generally accepted accounting principles; provided, that the office of the comptroller shall charge other items of appropriation for the cost of the audit from allocated federal funds transferred from federal reimbursement and grant receipts; provided further, that the office of the comptroller shall charge not more than a total of $750,000 to other items of appropriation for the cost of the audit; provided further, that notwithstanding any general or special law to the contrary, allocated federal funds transferred from federal reimbursement and grant receipts shall be retained and expended from a separate item without further appropriation, in addition to state funds appropriated

to this item, for the cost of compliance with the mandate of the federal law and the office of management and budget regulations; provided further, that the amount of any such federal funds and grant receipts so credited and expended from this item shall be reported to the house and senate committees on ways and means; provided further, that the comptroller shall maintain a special federal and non-tax revenue unit which shall operate under policies and procedures developed in conjunction with the secretary for administration and finance; provided further, that the comptroller shall provide quarterly reports to the house and senate committees on ways and means which shall include for each state agency for which the commonwealth is billing, the eligible state services, the full year estimate of revenues and revenues collected; provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall deduct an amount of $1,000 from any item of appropriation in section 2 of this act in which a reporting requirement is stipulated within said item and which report is not filed within 10 days of the stated due date; provided further, that any and all amounts deducted shall be deposited in the General Fund and the comptroller shall notify the house and senate committees on ways and means of any and all amounts so deducted; provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller may enter into contracts with private vendors to identify and pursue cost avoidance opportunities for programs of the commonwealth and to enter into interdepartmental service agreements with state agencies, as applicable, for said purpose; provided further, that 60 days before entering into any interdepartmental service agreements the comptroller shall notify the house and senate committees on ways and means; provided further, that said notification shall include, but not be limited to, a description of the project, the purpose and intent of the interdepartmental service agreement, a projection of the costs avoided in the current fiscal year, a copy of the contract with the private vendor including the proposed rate of compensation and any previous agreements related or similar to the new agreement with the above information; provided further, that payments to private vendors on account of such cost avoidance projects shall be

made only from such actual cost savings as have been certified in writing to the house and senate committees on ways and means by the comptroller and the budget director as attributable to such cost avoidance projects provided further that the comptroller may establish such procedures in consultation with the budget director and the affected departments as he deems appropriate and necessary to accomplish the purpose of this section and provided further that the comptroller shall report on said projects as a part of his annual report pursuant to section 12 of chapter 7A of the General Laws $9,089,154

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of the Secretary.

1100-1100 For the office of the secretary and the administration of the fiscal affairs division; provided, that the secretary shall conduct an ongoing review of affirmative action steps taken by the various agencies, boards, departments, commissions or divisions to determine whether such agencies, boards, departments, commissions or divisions are complying with the commonwealth's policies of non-discrimination and equal opportunity; provided further, that whenever non-compliance is determined by the secretary, the secretary shall hold a public hearing on the matter and report his resulting recommendations to the head of the particular agency, board, department, commission or division, to the governor and to the Massachusetts commission against discrimination; provided further, that the secretary shall report on the status of each agency, board, department, commission or division receiving monies under this act, including supplemental and deficiency budgets, as to compliance or non-compliance with affirmative action policies to the chairs of the house and senate committees on ways and means, the joint committee on public service and the joint committee on commerce and labor on or before December 1, 2006; provided further, that agencies within the executive office may, with the prior approval of the secretary, streamline and improve administrative operations pursuant to interdepartmental service agreements; provided further, that the secretary of administration and finance in conjunction with the trial court,

the executive office of health and human services, the division of capital asset management and maintenance, the bureau of state office buildings and the division of energy resources, shall submit a report to the house and senate committees on ways and means concerning the commonwealth's energy costs, which shall include, but not be limited to: (a) energy consumption and costs incurred by commonwealth-owned or operated facilities, including the state house, state office buildings, hospitals, courthouses, correction facilities and related properties, (b) cost saving initiatives relating to energy consumption and procurement, (c) the energy consumption and costs for all vehicles operated by the commonwealth and its subsidiary secretariats and agencies, and (d) the current status of the state's energy infrastructure and plans for either replacement or conversion of existing systems; provided further, that the report shall be submitted not later than January 26, 2007; and provided further, that the budget director shall report on a quarterly basis to the house and senate committees on ways and means the status of all cost avoidance projects which are undertaken pursuant to item 1000-0001 ..... $3,529,636

Division of Capital Asset Management and Maintenance.

1102-3205 The division may expend for the maintenance and operation of the Massachusetts information technology center an amount not to exceed $6,810,000 in revenues collected from rentals, commissions, fees, parking fees and any and all other sources pertaining to the operations of said center; provided, that notwithstanding any general or special law to the contrary, and for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system $6,810,000

1102-3206 For the costs associated with the maintenance and security of surplus state properties; provided, that the division shall submit quarterly reports that detail the hire date, salary, and job title of every employee at the division and the amount associated with each bond authorization; and provided further, the division shall submit a report that details every employee at

the division including the hire date, salary, and job title for fiscal years 2003, 2004, 2005, 2006 and 2007 to the house and senate committees on ways and means on or before January 11, 2007 ..... $359,208

1102-3214 For the state transportation building; provided, that the division may expend revenues collected up to a maximum of $7,290,000 from rentals, commissions, fees, parking fees and from any and all other sources pertaining to the operation of the state transportation building for the maintenance and operation of said building; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $7,290,000

1102-3231 For the Springfield state office building; provided, that the division may expend not more than $750,000 in revenues from rents charged to agencies occupying the building for the maintenance and operation of the building; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $750,000

1102-3232 For the division of capital asset maintenance and management; provided, that the division may expend not more than $300,000 received from application fees charged in conjunction with the certification of contractors and subcontractors pursuant to section 44D of chapter 149 of the General Laws; and provided further, that only expenses, including staffing, incurred to implement and operate the certification program shall be funded from this item $300,000

Bureau of State Office Buildings.

1102-3301 For the operation of the bureau and for the maintenance and operation of buildings under the jurisdiction of the state superintendent of buildings; provided, that the bureau shall retain jurisdiction over all contracts, purchases and payments

for materials and services required in the operation of the bureau $6,766,065

1102-3302 For the purposes of utility costs and associated contracts for the properties managed by the bureau of state office buildings $6,917,582

1102-3306 For the maintenance and joint operation of the state house under the jurisdiction of the state superintendent of state office buildings and the legislature's joint committee on rules; provided, that the bureau shall work in coordination with the house of representatives and the senate relative to the maintenance, repair, purchases and payments for materials and services $750,000

1107-2400 For the office on disability $703,456

Disabled Persons Protection Commission.

1107-2501 For the disabled persons protection commission; provided, that the commission shall facilitate compliance by the department of mental health and the department of mental retardation with uniform investigative standards; provided further, that the commission shall report to the house and senate committees on ways and means not later than the last day of each quarter on the number of claims of abuse by caretakers made by employees or contracted service employees of the departments of mental retardation and mental health and the Massachusetts rehabilitation commission; provided further, that the report shall include: (i) the number of claims found to be substantiated; (ii) the number of claims found to be unsubstantiated; and (iii) the number of claims found to be falsely reported as a result of intentional and malicious action; and provided further, that the commission shall ensure that all calls received by the commission's 24-hour hotline are recorded, that all persons who call said hotline shall be immediately informed that all calls are recorded, and each such person shall be provided with the opportunity to elect that the call not be recorded $1,873,986

Civil Service Commission.

1108-1011 For the civil service commission; provided, that the General Fund shall be reimbursed for the appropriation herein through a fee charged on a per claim basis; provided further, that said commission shall develop and implement regulations to im-

plement said reimbursement to the General Fund; and provided further, the civil service commission shall have the power to assess a fee upon the appointing authority when inappropriate action has occurred $482,554

Group Insurance Commission.

1108-5100 For the administration of the group insurance commission; provided, that the commission shall generate the maximum amounts allowable under the federal Consolidated Omnibus Budget Reconciliation Act, as amended, and from reimbursements allowed by sections 8, 10B, 10C and 12 of chapter 32A of the General Laws $3,068,229

1108-5200 For the commonwealth's share of the group insurance premium and plan costs incurred in fiscal year 2007; provided, that notwithstanding any general or special law to the contrary, funds in this item shall not be available during the accounts-payable period of fiscal year 2007, and any unexpended balance in this item shall revert to the General Fund on June 30, 2007; provided, that the secretary of administration and finance shall charge the division of unemployment assistance and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided further, that prior year costs incurred by self insured plans shall be funded from this item; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means the amounts expended from this item for prior year costs; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appropriation; provided further, that the secretary of administration and finance may charge all agencies for the commonwealth's share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for

a period of more than 1 year; provided further, that the amounts received in payment for the charges shall be credited to the General Fund; provided further, that notwithstanding section 26 of chapter 29 of the General Laws, the commission may negotiate, purchase and execute contracts before July 1 of each year for policies of group insurance as authorized by chapter 32A of the General Laws; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of chapter 32A and for the purposes of section 14 of chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired before July 1, 1994 shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that the commonwealth's share of the group insurance premium for active employees upon retirement shall be 85 per cent; provided further, that the commonwealth's share of the premiums for active state employees and their dependents shall be 85 per cent; provided further, that the commonwealth's share of the premiums for active state employees hired after June 30, 2003 and their dependents shall be 80 per cent; and provided further, that the commission shall notify the house and senate committees on ways and means by April 1 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year $976,037,643

1108-5350 For elderly governmental retired employee premium payments $895,032

1108-5400 For the costs of the retired municipal teachers' premiums and the audit of such premiums $79,853,475

1108-5500 For the costs, notwithstanding chapter 32A of the General Laws to the contrary, of dental and vision benefits for those active employees of the commonwealth, not including employees of authorities and any other political subdivision, who are not otherwise provided those benefits pursuant to a separate appropriation or the terms of a contract or collective bargaining agreement; provided, that the employees shall pay 15 per cent of the monthly premium established by the commission for the benefits $6,727,448

Division of Administrative Law Appeals.

1110-1000 For the operation of the division of administrative law appeals established by section 4H of chapter 7 of the General Laws; provided, that said office shall maintain, to the fullest extent practicable, a complete physical and technological separation from any agency, department, board, commission or program whose decisions, determinations or actions may be appealed to it; and provided further, that every decision issued by a commissioner or other head of agency, or designee, following the issuance of a recommended decision by an administrative law judge of the division, shall be an agency decision subject to judicial review pursuant to chapter 30A of the General Laws $1,181,676

George Fingold Library.

1120-4005 For the administration of the library; provided, that the library shall maintain regular hours of operation from 9:00 a.m. to 5:00 p.m. $1,275,012

1120-4006 The George Fingold Library may expend revenues collected up to a maximum of $20,000 from the fees charged for copying services; provided the Library shall submit a report that details revenue collected and expenditures made to the house and senate committees on ways and means on or before January 1, 2007 ..... $20,000

Massachusetts Commission Against Discrimination.

1150-5100 For the office of the commission, including the processing and resolution of cases pending before the commission that were filed on or before July 1, 2003; provided, that on or before November 1, 2006 the commission shall submit to the house and senate committees on ways and means a report on the total number of all currently pending cases and the total number of the cases in the investigation, conciliation, post-probable cause and pre-public hearing and post-hearing stages; provided further, that the commission shall file an update of the report with the committees on or before March 1, 2007; provided further, that the commission shall identify in the reports the number of cases in which the commission has determined there is probable cause to believe that a violation of chapter 151B of the General Laws has been

committed in a case in which the Massachusetts Bay Transportation Authority is named as a respondent; provided further, that the commission shall report to the house and senate committees on ways and means on or before November 1, 2006 the number of cases pending before the commission in which a state agency or state authority is named as a respondent, specifying those cases in which the Massachusetts Bay Transportation Authority is named as a respondent, and the number of the cases in which there is probable cause to believe that a violation of said chapter 151B has been committed; provided further, that the commission shall include in the report the total number of new cases filed in fiscal year 2006 and the total number of cases closed by the commission in fiscal year 2006; provided further, that funds made available in this item shall be in addition to funds available in item 1150-5104; provided further, that all positions, except clerical, shall be exempt from chapter 31 of the General Laws; and provided further, that the commission shall pursue the highest allowable rate of federal reimbursement $2,274,386

1150-5104 The Massachusetts commission against discrimination may expend not more than $1,901,000 from revenues from federal reimbursements received for the purposes of the United States Department of Housing and Urban Development fair housing type 1 program and the equal opportunity resolution contract program during fiscal year 2007 and federal reimbursements received for these and other programs in prior years; provided, that notwithstanding any general or special law to the contrary, the commission may also expend revenues generated through the collection of fees and costs so authorized; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system ... $1,901,000

1150-5116 The Massachusetts commission against discrimination may expend not more than $14,089 from revenues collected from fees charged for the training and certification of diversity trainers for the operation of the discrimination prevention certification program $14,089

Department of Revenue

1201-0100 For the operation of the department of revenue, including tax collection administration, audits of certain foreign corporations, and the division of local services; provided, that the department may allocate an amount not to exceed $250,000 to the office of the attorney general for the purpose of the tax prosecution unit; provided further, that the department may charge the expenses for computer services, including the cost of personnel and other support costs provided to the child support enforcement unit, from this item to item 1201-0160, consistent with the costs attributable to said unit; provided further, that the department shall maintain regional offices in the cities of, Springfield, Pittsfield, Fall River, and Worcester and in the Hyannis section of the town of Barnstable; provided further, that the department shall provide to the general court access to the municipal data bank; provided further, that notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account are positions requiring the services of an incumbent, on either a full-time or less than full-time basis beginning no earlier than December 1 and ending no later than November 30; provided further, that seasonal positions funded by this account may not be filled by an incumbent for more than 10 months within a 12 month period; and provided further, that in order to increase participation in the earned income credit program, the department shall (a) not later than January 1, 2007, provide to every employer without charge a notice in conformity with clause (iii) of subsection (d) of section 62A of chapter 151A of the General Laws concerning the availability of the federal and state earned income credits including the option to receive the credit in paychecks throughout the year and require every employer to post the notice in conformity with section 16 of chapter 151 of the General Laws, (b) work with the chambers of commerce, municipalities, community-based organizations, taxpayer advocates and labor organizations to ensure the widest possible dissemination of information concerning the availability of the credits and (c) not later than March 1, 2007, file a report with the joint committee on revenue and the house and senate committees on ways and means concerning

its efforts under this proviso to increase earned income credit participation $119,846,062
General Fund 95.0%
Highway Fund 5.0%

1201-0130 The department of revenue is hereby authorized to expend for the operation of the department an amount not to exceed $9,640,000 from revenues collected by the additional auditors for an enhanced audit program; provided, that said auditors shall discover and identify persons who are delinquent either in the filing of a tax return or the payment of a tax due and payable to the commonwealth, obtain said delinquent returns, and collect such delinquent taxes for a prior fiscal year; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system $9,640,000

1201-0160 For the child support enforcement unit; provided, that the department may allocate funds appropriated herein to the department of state police, the district courts, the probate and family courts, the district attorneys and other state agencies for the performance of certain child support enforcement activities, and that those agencies may expend the funds for the purposes of this item; provided further, that all such allocations shall be reported quarterly to the house and senate committees on ways and means upon the allocation of said funds; provided further, that the federal receipts associated with the child support computer network shall be drawn down at the highest possible rate of reimbursement and deposited into a revolving account to be expended for the network; provided further, that federal receipts associated with child support enforcement grants shall be deposited into a revolving account to be drawn down at the highest possible rate of reimbursement and to be expended for the grant authority, so-called; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means, detailing the balance, year-to-date and projected receipts and year-to-date and projected expenditures, by

subsidiary, of the child support trust fund established pursuant to section 9 of chapter 119A of the General Laws; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of the authorization or the most recent revenue estimate therefore as reported in the state accounting system for federal incentives and said network in accounts 1201-0161 and 1201-0410 ..... $50,248,742

1201-0164 For the child support enforcement division; provided, that said division may expend revenues in an amount not to exceed $6,547,280 from the federal reimbursements awarded for personnel and lower subsidiary related expenditures $6,547,280

1231-1000 For the Commonwealth Sewer Rate Relief Fund established in section 2Z of chapter 29 of the General Laws; provided, that the Massachusetts Water Resources Authority shall submit a report to the house and senate committees on ways means and the secretary of administration and finance no later than October 1, 2006 that shall include, but not be limited to the following; (a) an analysis of the options for reducing operating costs of the authority; (b) the use of contracts with private entities for the operation and maintenance of facilities owned or operated by the authority; and (c) the cost savings and any legislation necessary to effectuate the proposed recommendations of the report $25,000,000

1231-1020 For a program of loans, loan purchases or loan guarantees or interest subsidies to assist homeowners, homeowner associations or condominium associations in complying with revised state environmental code for subsurface disposal of sanitary waste, Title V, so called; provided, that the program shall be in addition to the loan program established pursuant to item 2200-9959 in section 2 of chapter 85 of the acts of 1994; provided further, that the department may contract with third parties, including, but not limited to, commonwealth-based financial institutions to manage the program; provided further, that the department and the third parties shall take all steps necessary to minimize the program's administrative costs; provided further, that the loans, loan purchases or loan

guarantees shall be available on the basis of a sliding scale that relates a homeowner's income and assets to the cost of Title V compliance; provided further, that interest subsidies shall be means-tested and may be for zero-interest loans pursuant to income standards developed by the department; and provided further, that the department of revenue shall consult with the department of environmental protection in developing rules, regulations and guidelines for said program, prior appropriation continued.

1232-0100 For underground storage tank reimbursements to parties that have remediated spills of petroleum products pursuant to chapter 21J of the General Laws $18,200,000

1232-0200 For the Underground Storage Tank Petroleum Cleanup Fund Administrative Review Board established by section 8 of chapter 21J of the General Laws and for the administration of the underground storage tank program associated with the implementation of said chapter 21J; provided, that notwithstanding section 4 of said chapter 21J or any other general or special law to the contrary, appropriations made in this item shall be sufficient to cover the administrative expenses of the underground storage tank program; provided further, that the board shall submit to the house and senate committees on ways and means a report on the status of the underground storage program, including, but not limited to, the number of municipal grants made for the removal and replacement of underground storage tanks and the reimbursements for remediated petroleum spills; provided further, that the report shall detail how many tanks are out of compliance with said chapter 21J; and provided further, that the report shall be submitted not later than February 16, 2007 ..... $1,865,411

1232-0300 For underground storage tank municipal grants to remove and replace the tanks pursuant to section 2 of chapter 21J of the General Laws and section 37A of chapter 148 of the General Laws $489,901

1233-2000 For reimbursing cities and towns for taxes abated pursuant to clauses Seventeenth, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second E and Thirty-seventh of section 5 of chapter 59 of the General Laws $8,400,000

1233-2010 For reimbursing cities and towns for tax abatements granted to

certain homeowners over the age of 65 pursuant to clause Fifty-second of section 5 of chapter 59 of the General Laws $9,655

1233-2310 For reimbursing cities and towns for taxes abated pursuant to the clauses Forty-first, Forty-first B and Forty-first C of section 5 of chapter 59 of the General Laws; provided, that the commonwealth shall reimburse each city or town that accepts said clause Forty-first B or clause Forty-first C for additional costs incurred in determining eligibility of applicants under those clauses in an amount not to exceed $2 per exemption granted $9,890,345

Appellate Tax Board.

1310-1000 For the operation of the appellate tax board; provided, that the board shall schedule hearings in Barnstable, Gardner, Lawrence, Milford, Northampton, Pittsfield, Springfield, Worcester and southeastern Massachusetts; and provided further, that the board shall report to the house and senate committees on ways and means no later than December 1, 2006 on the number of hearings held at each location $1,899,686

1310-1001 The appellate tax board may expend revenues up to a maximum of $300,000 from fees collected; provided, that in order to accommodate discrepancies between the receipt of retained revenues and related expenditures, the board may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $300,000

Department of Veterans' Services

1410-0010 For the operation of the department of veterans' services; provided, that the department may fund a housing specialist from this item; provided further, that not less than $10,000 shall be expended for the purpose of maintaining the Massachusetts Vietnam Veterans Memorial located in the Green Hill park in Worcester; provided further, that not less than $10,000 shall be expended for the Korean War Veterans Committee of Massachusetts for the purpose of maintaining the Korean War Memorial located in the shipyard park of the Charlestown Navy Yard; and provided further, that the department may expend funds for the Glory 54th Brigade $2,012,187

1410-0012 For services to veterans, including the maintenance and operation of outreach centers; provided, that the centers shall provide counseling to incarcerated veterans and to Vietnam era veterans and their families who may have been exposed to agent orange; provided further, that these centers shall also provide services to veterans who were discharged after September 11, 2001, and their families; provided further, that not less than $292,480 shall be obligated for a contract with the Montachusett Veterans Outreach Center in the city of Gardner; provided further, that not less than $228,771 shall be obligated for a contract with the Veterans Benefit Clearinghouse in the Roxbury section of Boston; provided further, that not less than $144,879 shall be obligated for a contract with the Puerto Rican Veterans Association of Massachusetts, Inc., in the city of Springfield; provided further, that not less than $131,500 shall be obligated for a contract with Nam Vets Association of the Cape and Islands in the Hyannis section of the town of Barnstable; provided further, that not less than $106,102 shall be obligated for a contract with the North Shore Veterans Counseling Center in the city of Beverly; provided further, that not less than $100,000 shall be expended for veteran's services to be administered by the Falmouth veterans agent through the Falmouth Free Clinic and Community Center; provided further, that not less than $100,000 shall be obligated for a contract with the Veterans Northeast Outreach Center in the city of Haverhill; provided further, that not less than $100,000 shall be expended for the Disabled American Veterans organization; provided further, that not less than $100,000 be earmarked and obligated to Boston metropolitan area for a contract with the Puerto Rican Veterans Association of Massachusetts, Inc; provided further, that not less than $90,000 shall be expended for the Veterans Association of Bristol County in Fall River; provided further, that not less than $84,453 shall be obligated for a contract with the Metrowest/Metrosouth Outreach Center in the town of Framingham; provided further, that not less than $80,000 shall be expended to United Veterans of America for the purpose of providing services to homeless veterans in Berkshire County; provided further, that not less than $50,000 shall be provided to the Middleboro Veterans' Outreach Center; provided further, that not less than $30,000 shall be

expended for the oral history project at the Morse Institute Library in Natick; and provided further, that not less than $25,000 shall be expended to the Mason Square Area Veterans Outreach Center, so-called, in the city of Springfield ... $1,663,185

1410-0015 For the women veterans' outreach program $42,282

1410-0018 The department may expend not more than $300,000 for the maintenance and operation of Agawam and Winchendon veterans' cemeteries from revenue collected from fees, grants, gifts or other contributions to the cemeteries; prior appropriations continued $300,000

1410-0100 For the revenue maximization project of the executive office of elder affairs to identify individuals eligible for veterans' pensions who are currently receiving home health care services $98,000

1410-0250 For homelessness services; provided, that not less than $652,395 shall be obligated for a contract with the Southeastern Massachusetts Veterans Housing Program, Inc., in the city of New Bedford; provided further, that not less than $625,105 shall be obligated for a contract with the central Massachusetts Shelter for Homeless Veterans in the city of Worcester; provided further, that not less than $220,000 shall be obligated for a contract with the United Veterans of America shelter in the town of Leeds; provided further, that not less than $200,000 shall be obligated for contracts with the Veterans Hospice Homestead in the city of Leominster and the Veterans Hospice in the town of Fitchburg; provided further, that not less than $199,405 shall be obligated for a contract with Unity House in the city of Gardner; provided further, that not less than $190,000 shall be obligated for a contract with Habitat P.L.U.S. in the city of Lynn; provided further, that $100,350 shall be obligated for a contract with the Veterans Benefit Clearinghouse in the Dorchester section of the city of Boston; provided further, that not less than $80,000 shall be provided for a contract with the Mansion in the city of Haverhill; provided further, that not less than $75,000 shall be obligated for a contract with the Transition House in the city of Springfield; provided further, that not less than $73,350 shall be obligated for a contract with the Veterans Benefit Clearinghouse in the Roxbury section of the city of Boston; provided further, that not less than $51,975 shall be expended for a contract with the Springfield Bilingual

Veterans Outreach Center for the operation and maintenance of a transitional housing unit at the YMCA of Springfield; provided further, that not less than $37,350 shall be obligated for a contract with the Homestead in the town of Hyannis; provided further, that not less than $42,000 shall be obligated for a contract with the Turner House located in the town of Williamstown; and provided further, that not less than $25,000 shall be expended for transitional services at Our Neighbor's Table in Amesbury $2,571,930

1410-0251 For the maintenance and operation of homeless shelters and transitional housing for veterans at the New England Shelter for Homeless Veterans located in the city of Boston; provided, that not less than $900,000 shall be expended for capital improvements $3,176,703

1410-0300 For the payment of annuities to certain disabled veterans and the parents and un-remarried spouses of certain deceased veterans; provided, that the payments shall be made pursuant to section 6B of chapter 115 of the General Laws; provided further, that the department shall take reasonable steps to terminate payments upon the death of a recipient; provided further, that the department shall prorate annuity payments to ensure that the total payments in fiscal year 2007 shall not exceed the amount appropriated herein; and provided further, that the secretary of veterans' services shall file with the house and senate committees on ways and means a report detailing the number of applications received for annuities offered under this program at the end of each fiscal quarter .. $16,859,688

1410-0400 For reimbursing cities and towns for money paid for veterans' benefits and for payments to certain veterans under section 6 of chapter 115 of the General Laws; provided, that notwithstanding any general or special law to the contrary, 100 per cent of the amounts of veterans' benefits paid by cities and towns to residents of a soldiers' home shall be paid by the commonwealth to the several cities and towns; provided further, that pursuant to section 9 of said chapter 115, the department shall reimburse cities and towns for the cost of United States flags placed on the graves of veterans on Memorial Day; provided further, that notwithstanding any general or special law to the contrary, the secretary of veteran services may continue a training program for veterans' agents

and directors of veterans' services in cities and towns; provided further, that the purpose of the training program shall be to maximize federal assistance available for veterans and to assure that the agents and directors receive uniform instruction on providing veterans and dependents with advice relative to procurement of state, federal and local benefits to which they are entitled, including employment, education, health care, retirement and other veterans' benefits; provided further, that the subject matter of the training program shall include benefits available under said chapter 115 and alternative resources, including those which are partially or wholly subsidized by the federal government, such as Medicaid, Supplemental Security Income and Social Security Disability benefits, as well as federal pension and compensation entitlements; provided further, that the secretary shall promulgate regulations for the training program; provided further, that upon successful participation by the veterans' agents or directors of veterans' services in the training program, the costs of the training program incurred by the several cities and towns shall be reimbursed by the commonwealth on or before November 10 following the fiscal year in which the costs were paid; provided further, that any person applying for veterans' benefits to pay for services available under chapter 118E of the General Laws, shall also apply for medical assistance under said chapter 118E to minimize cost of the commonwealth and its municipalities; provided further, that veterans' agents shall complete applications authorized by the executive office under said chapter 118E for any veteran, widow and dependent applying for medical assistance under said chapter 115; provided further, that the veterans' agent shall file the application for the veteran or dependent for assistance under said chapter 118E; provided further, that the executive office shall act on all said chapter 118E applications and advise the applicant and the veterans' agent of the applicant's eligibility for said chapter 118E healthcare; provided further, that the veterans' agent shall advise the applicant of the right to assistance for medical benefits under said chapter 115 pending approval of the application for assistance under said chapter 118E by the executive office; provided further, that the secretary may supplement healthcare pursuant to said chapter 118E with healthcare coverage under said chapter 115

if he determines that supplemental coverage is necessary to afford the veteran or dependent sufficient relief and support; provided further, that payments to or on behalf of a veteran or dependent pursuant to said chapter 115 shall not be considered income for the purposes of determining eligibility under said chapter 118E; and provided further, that benefits awarded pursuant to section 6B of said chapter 115 shall be considered countable income $14,412,585

1410-0630 For the administration of the veterans' cemeteries in the towns of Agawam and Winchendon $871,662

Reserves

1599-0035 For certain debt service contract assistance to the Massachusetts Convention Center Authority in accordance with section 39 of chapter 190 of the acts of 1982; provided, that the assistance shall be expended notwithstanding section 35J of chapter 10 of the General Laws $2,531,761

1599-0042 For a reserve to improve the quality of the commonwealth's early education and care system; provided, that payments from this reserve shall be distributed by the department of early education and care to increase reimbursement rates for subsidized early education and care; provided further, that the increases shall be directed to expenditures for salaries, benefits, and stipends for professional development of early education and care workers or programmatic quality improvements; provided further, that not less than $10,000,000 of the funds appropriated herein shall be used to adjust said rates by an equal percentage for all said providers; provided further, that the remainder of the funds appropriated herein shall be used to adjust said rates so as to reduce disparities between said rates, relative to the relevant private market rates, including such disparities as those between the rates paid for the same type of care from items 3000-3050, 3000-4050 and 4060 and those paid from item 3000-4000, those between the rates paid for services for infants and toddlers and those paid for services for other children, and those between the rates paid for services provided by family child care providers and those paid for services provided by other providers; and provided further, that all said adjustments shall be subject to the approval of the board of early education and care $12,500,000

1599-0049 For contract assistance payments to the Foxborough Industrial Development Finance Authority in accordance with section 8 of chapter 16 of the acts of 1999 ..... $5,337,628

1599-0050 For Route 3 North contract assistance payments $26,755,000

1599-0093 For contract assistance to the water pollution abatement trust for debt service obligations of the trust, in accordance with sections 6 and 6A of chapter 29C of the General Laws $54,907,283

1599-1970 For a reserve for the Massachusetts turnpike authority for costs incurred in fiscal year 2006 for the operation and maintenance of the central artery/tunnel project pursuant to chapter 235 of the acts of 1998 ..... $56,000,000

1599-1971 For the cost of hired and leased equipment, vehicle repair, and sand, salt, and other control chemicals used for snow and ice control; provided, that the secretary for administration and finance shall submit to the house and senate committees on post audit and oversight, the house and senate committees on transportation and the house and senate committees on ways and means a report on snow and ice control efforts no later than September 1, 2006 which shall include, but not be limited to, the following: (a) a detailed account of the administrative oversight exercised by either the secretary for administration and finance, the secretary of transportation or the department of highways for snow and ice control efforts, including an explanation of measures taken to verify services provided, audit vendor payment vouchers, or any other measures taken to ensure accountability relative to the expenditure of the state funds for snow and ice control efforts; and (b) a statement of how many salt storage facilities in the commonwealth are in conformity with section 7A of chapter 85 of the General Laws and how many are not $10,500,000

1599-3234 For the commonwealth's south Essex sewerage district debt service assessment $93,550

1599-3384 For a reserve for the payment of certain court judgments, settlements and legal fees, in accordance with regulations promulgated by the comptroller, which were ordered to be paid in the current fiscal year or a prior fiscal year; provided, that the comptroller shall report quarterly to the house and senate committees on ways and means on the amounts expended from this item; $4,837,211

1599-3837 For the payment to the water pollution abatement trust to fund fi-

nancial assistance to municipalities and other eligible borrowers to meet debt service obligations incurred by the municipalities and other eligible borrowers after January 1, 1992, to finance the costs of water treatment projects or portions thereof which have been approved by the department of environmental protection, or otherwise authorized by law, and which have been completed, as determined by the department, on or before the promulgation date of the department's regulations related to the implementation of the federal Safe Drinking Water Act $7,852,853

1599-3838 For a reserve for payment to the water pollution abatement trust to finance the costs of water treatment projects or portions thereof which have been approved by the department of environmental protection, or otherwise authorized by law, after the promulgation date of the department's regulations related to the implementation of the federal Safe Drinking Water Act $9,308,806

1599-3856 For rent and associated costs at the Massachusetts information technology center in Chelsea $7,115,000

1599-3857 For capital lease payments from the University of Massachusetts to the Massachusetts Development Finance Agency and for annual operations of the advanced technology and manufacturing center in Fall River $1,450,000

1599-6901 For a reserve to adjust the wages, compensation or salary and associated employee-related costs to personnel earning less than $40,000 in annual compensation who are employed by private human service providers that deliver human and social services under contracts with departments within the executive office of health and human services and the executive office of elder affairs; provided, that home care workers shall be eligible for funding from this appropriation; provided further, that the secretary of administration and finance may allocate the funds appropriated in this item to the departments in order to implement this initiative; provided further, that the executive office of health and human services shall condition the expenditure of the reserve upon assurances that the funds shall be used solely for the purposes of adjustments to wages, compensation or salary; provided further, that not later than February 15, 2007 the executive office shall submit to the house and senate committees on ways and means a report delineating the number of employees, by job title and average

salary, receiving the adjustment in fiscal year 2007 and the average percentage adjustment funded by this reserve; provided further, that the report shall also include, for each contract scheduled to receive any allocation from this item in each such department, the total payroll expenditures in each contract for the categories of personnel scheduled to receive the adjustments; provided further, that no funds from this item shall be allocated to special education programs under chapter 71B of the General Laws, contracts for early education and care services or programs for which payment rates are negotiated and paid as class rates as established by the division of health care finance and policy; provided further, that no funds shall be allocated from this item to contracts funded exclusively by federal grants as delineated in section 2D; provided further, that the total fiscal year 2007 cost of salary adjustments and any other associated employee costs authorized thereunder shall not exceed $28,000,000; provided further, that the executive office shall submit an allocation schedule to the house and senate committees on ways and means not less than 30 days after disbursement of funds; provided further, that the annualized cost of the adjustments in fiscal year 2008 shall not exceed the amount appropriated herein; and provided further, that the raises provided through this item shall be in addition to any already agreed to or collectively bargained for pay increases $28,000,000

1599-7092 For a reserve for the county correctional programs; provided, that notwithstanding any general or special laws to the contrary, the sheriffs, in conjunction with the county government finance review board, shall maintain and continue to collaborate with the comptroller's office to collect and report all revenue collection and all spending on the Massachusetts management accounting and reporting system; provided further, that the comptroller shall not transfer the funds from this item to item 8910-0000 unless the plan is in place; pro-vided further, that the county government finance review board shall, by January 1, 2007, have developed a plan for the spending of all funds for fiscal year 2007, and developed a sound fiscal spending plan for fiscal year 2008; provided further, that the board shall build the spending plans with the direct input of the seven sheriffs still functioning under the

county government system; provided further, that by January 15, 2007 the board shall report all spending plans to the house and senate committees on ways and means; provided further, that the information shall satisfy all fiscal requirements for a maintenance level of funding, including, but not limited to, collective bargaining increases, legal fees, debt services, one time costs, energy costs, equipment leases, medical costs, and workers' compensation issues; provided further, that no other spending information or requests shall be submitted to the house and senate committees on ways and means by the individual sheriffs until February 15, 2007; provided further, that the board shall also provide a projection of all county funds to be collected for fiscal year 2007 and 2008; provided further, that the board shall release all funds from fiscal year 2007 quarterly; provided further, that any sheriff that spends more than the quarterly approved budget shall have the money allocated for the following quarter reduced by the excess amount overspent in the previous quarter; and provided further, that it is the intent of the general court that funds shall not be spent from this item nor any funds shall be transferred from this item to another item until all of the aforementioned restrictions and conditions have been satisfied $39,569,632

1599-7104 For a reserve for the facilities costs associated with the college of visual and performing arts at the University of Massachusetts at Dartmouth; provided, that funds may be expended for Bristol Community College $2,700,000

Division of Human Resources

1750-0100 For the operation of the human resources division and the costs of administration, training, and customer support related to the commonwealth's human resources and compensation management system; provided, that the information technology division shall continue a chargeback system for its bureau of computer services including the operation of the commonwealth's human resources and compensation management system, which complies with the requirements of section 2B; provided further, that the division shall be responsible for the administration of examinations for state and municipal civil service titles, establishment of eligible lists, certification of

eligible candidates to state and municipal appointing authorities, technical assistance in selection and appointment to state and municipal appointing authorities; provided further, that notwithstanding clause (n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary, the secretary of administration and finance shall charge a fee of not less than $50 to be collected from each applicant for a civil service examination; provided further, that the division shall administer a program of state employee unemployment management, including, but not limited to, agency training and assistance; provided further, that the division shall administer the statewide classification system, including, but not limited to, maintaining a classification pay plan for civil service titles within the commonwealth in accordance with generally accepted compensation standards and reviewing appeals for reclassification; provided further, that the secretary for administration and finance shall file with the house and senate committees on ways and means the amounts of any and all economic benefits necessary to fund any incremental cost items contained in any collective bargaining agreements with the various classified public employees' unions; provided further, that the nature and scope of economic proposals contained in those agreements shall include all fixed percentage or dollar based salary adjustments, non-base payments or other forms of compensation and all supplemental fringe benefits resulting in any incremental costs; and provided further, that any employee of the commonwealth who chooses to participate in a bone marrow donor program or an organ donor transplant program shall be granted a leave of absence with pay to undergo the medical procedure and for associated physical recovery time, but this leave shall not exceed 5 days $4,084,842

1750-0102 The human resources division may expend not more than $1,327,500 from revenues collected from fees charged to applicants for civil service and non-civil service examinations and fees charged for the costs of goods and services rendered in administering training programs; provided, that the division shall collect from participating non-state agencies, political subdivisions, and the general public fees sufficient to cover

all costs of the programs, including, but not limited to, a fee to be collected from each applicant for a civil service examination or non-civil examination, notwithstanding paragraph (n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system $1,327,500

1750-0111 For the planning and implementation of a civil service continuous testing program and the operation of the bypass appeals process program; provided, that the division shall file quarterly reports with the house and senate committees on ways and means detailing the number of tests administered and the amount of revenue collected through the program $104,483

1750-0119 For payment of workers' compensation benefits to certain former employees of Middlesex and Worcester counties; provided, that the division shall routinely recertify the former employees pursuant to current workers' compensation procedures $233,350

1750-0201 The human resources division may expend not more than $250,000 from revenues collected for implementation of the medical and physical fitness standards program established pursuant to sections 61A and 61B of chapter 31 of the General Laws and chapter 32 of the General Laws; provided, that the personnel administrator shall charge a fee of not less than $50 to be collected from each applicant who participates in the physical ability test; provided further, that the human resources division shall submit a semi-annual report to the house and senate committees on ways and means detailing all expenditures on the program including, but not limited to, the costs of personnel, consultants, administration of the wellness program, establishment of standards and any other related costs of the program; and provided further, that the division shall report to the house and senate committees on ways and means by February 1, 2007 on the projected costs of the program for fiscal year 2007 ..... $250,000

1750-0300 For the commonwealth's contributions in fiscal year 2007 to health and welfare funds established pursuant to certain collective bargaining agreements; provided, that the contributions shall be calculated as provided in the applicable collective bargaining agreement and shall be paid to the health and welfare trust funds on a monthly basis or on such other basis as the applicable collective bargaining agreement provides $22,422,393

Operational Services Division.

1775-0100 For the operation of the operational services division; provided, that the division shall expend funds for the purpose of achieving savings pursuant to this act; provided further, that notwithstanding any general or special law to the contrary, the division of purchased services of the operational services division which, under section 274 of chapter 110 of the acts of 1993, is responsible for determining prices for programs under chapter 71B of the General Laws, shall set the prices in fiscal year 2007 by increasing the final fiscal year 2006 price by the rate of inflation as determined by the division; provided further, that the division shall also adjust prices for Extraordinary Relief, as defined in 808 CMR 1.06(4); provided further, that the department shall accept applications for Program Reconstruction in fiscal year 2007; provided further, that programs for which prices in fiscal year 2006 were lower than the full amount permitted by the division of purchased services shall be permitted to charge in fiscal year 2007 the full price calculated for fiscal year 2006 adjusted by the rate of inflation as determined by the division; provided further, that upon the request of a program, the operational services division shall authorize a minimum price for the program to charge out-of-state purchasers; and provided further, that the division shall determine the minimum price for out-of-state purchasers by identifying the most recent price calculated for the program and applying the estimated rates of inflation which are established by December 1 of each year pursuant to section 274 of chapter 110 of the acts of 1993 in a compounded manner for each fiscal year following the most recent calculated price $2,124,565

1775-0124 The operational services division may expend an amount not to

exceed $500,000 from revenue collected in the recovery of cost-reimbursement and non-reimbursable over billing and recoupment for health and human service agencies and as a result of administrative reviews, as determined during the division's audits and reviews of providers pursuant to section 274 of chapter 110 of the acts of 1993; provided, that the division may only retain revenues collected in excess of $207,350 ..... $500,000

1775-0600 The operational services division may expend not more than $100,000 in revenues from the sale of state surplus personal property, including the payment, expenses and liabilities for the acquisition, warehousing, allocation and distribution of surplus property; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, including the costs of personnel $100,000

1775-0700 The operational services division may expend not more than $53,000 in revenues collected in addition to the amount authorized in item 1775-1000 of section 2B, for printing, photocopying, related graphic art or design work and other reprographic goods and services provided to the general public, including all necessary incidental expenses $53,000

1775-0900 The operational services division may expend not more than $55,000 in revenues collected pursuant to chapter 449 of the acts of 1984 and section 4L of chapter 7 of the General Laws, including the costs of personnel, from the sale of federal surplus property, including the payment, expenses and liabilities for the acquisition, warehousing, allocation and distribution of federal surplus property; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $55,000

1775-1100 The operational services division may expend not more than $500,000 in revenues collected from the disposal of surplus motor vehicles, including, but not limited to, state police vehicles from vehicle accident and damage claims and from manufacturer warranties, rebates and settlements, for the purchase of motor vehicles; provided, that the division shall evaluate the use of technology, the internet, and online auctions to enhance the sales of surplus vehicles and submit a report of its findings to the house and senate committees on ways and means, and the house and senate committees on post audit and oversight on or before October 1, 2006; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, including the costs of personnel $500,000

1775-1101 For the operation of the affirmative marketing program, housed within the operational services division, for costs associated with the administration of services for minority and women business owners to develop and maintain equitable practices and policies in the public marketplace $299,588

Information Technology Division.

1790-0100 For the operation of the information technology division; provided, that the division shall continue a chargeback system for its bureau of computer services including the operation of the commonwealth's human resources and compensation management system, which complies with the requirements of section 2B; provided further, that the division shall develop a formula to determine the cost that will be charged to each agency for its use of the human resources and compensation management system; provided further, that the division may coordinate with any state agency or state authority which administers a grant program to develop a statewide grant information page on the commonwealth's official worldwide web site, that shall include all necessary application forms and a grant program reference in a format that is retrievable and printable; provided further, that the division shall continue conducting audits and surveys to identify and realize savings

in the acquisition and maintenance of communications lines; provided further, that the commissioner shall file an annual status report with the house and senate committees on ways and means by May 16, 2007 with actual and projected savings and expenditures for the audits in the fiscal year ending June 30, 2007; provided further, that the state comptroller shall establish accounts and procedures as he deems appropriate and necessary to assist in accomplishing the purposes of this item; provided further, that any planned information technology development project or purchase by any agency under the authority of the governor for which the total projected cost exceeds $200,000 including the cost of any related hardware, software, or consulting fees, and regardless of fiscal year or source of funds, shall be reviewed and approved by the chief information officer before such agency may obligate funds for the project or purchase; and provided further, that the chief information officer may establish rules and procedures necessary to implement this item $5,076,285

1790-0300 The information technology division may expend not more than $467,837 from revenues collected from the provision of computer resources and services to the general public for the costs of the bureau of computer services, including the purchase, lease or rental of telecommunications lines, services and equipment $467,837

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office Of The Secretary.

2000-0100 For the office of the secretary, including the water resources commission, the hazardous waste facility site safety council, the coastal zone management program, environmental impact reviews conducted pursuant to chapter 30 of the General Laws, the mosquito-borne disease vector control chapter program, and a central data processing center for the secretariat; provided, that the secretary of environmental affairs may enter into interagency agreements with any line agency within the secretariat, whereby the line agency may render data processing services to said secretary; provided further, that the comptroller may allocate the costs for such data processing services to the several state and other funds to

which items of appropriation of such agencies are charged; provided further, that said secretary shall file a plan with the house and senate committees on ways and means 20 days before entering into any interdepartmental service agreements with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the secretary shall file a plan with the house and senate committees on ways and means and to the joint committee on environment, natural resources and agriculture 90 days prior to the initiation of any proposal or plan that would consolidate any function with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the plan shall include, but not be limited to the following: (1) an identification of the employees that would be affected by consolidation and the item of appropriation that they are paid from, (2) the savings or efficiencies to be realized, (3) the improvements to the services expected, and (4) the source and amount of funding necessary to accomplish the consolidation; and provided further, that the secretary shall provide a 90 day notice prior to the implementation of any memorandum of understanding, interagency service agreements, or other contacts, or agreements that would enable such consolidation of services to take place; provided further, that not less than $260,000 shall be expended for the Hingham Harbor environmental program; provided further, that not less than $250,000 shall be expended for volunteer water monitoring grants; provided further, that not less than $100,000 shall be expended for a one to one matching grant to the Cape Cod Bay sanctuary program; provided further, that $100,000 shall be expended for the Executive Office of Environmental Affairs to develop and implement a scope of work and a written action plan to protect and manage the Plymouth-Carver Sole Source Aquifer in consultation with the Towns of Bourne, Carver, Kingston, Middleborough, Plymouth, Plympton, and Wareham, through a Plymouth-Carver Aquifer Advisory Committee (PCAAC) to be comprised of a Coordinator from the Executive Office of Environmental Affairs and one member, and one alternate member, from each Town to be appointed by the chief elected

body in each Town; provided further, that the Coordinator shall complete a final written action plan, and procure services needed to complete the plan, with the input of the PCAAC; provided further, that the Coordinator and the PCAAC shall meet at least until the final written action plan is completed; and provided further, that not less than $150,000 shall be expended for a coastal shore water testing program administered by the Coalition for Buzzards Bay $6,869,383

2000-9900 For the office of geographic and environmental information established in section 4B of chapter 21A of the General Laws; provided, that $400,000 shall be expended for the development of a comprehensive statewide digital data layer of land use/land cover and related services necessary to develop this data layer $686,415

2001-1001 The secretary of environmental affairs may expend not more than $125,000 from fees charged to entities other than political subdivisions of the commonwealth for the distribution of digital cartographic and other data for the review of environmental notification forms pursuant to sections 61 to 62H, inclusive, of chapter 30 of the General Laws $125,000

2010-0100 For recycling and related purposes consistent with the recycling plan of the solid waste master plan which includes municipal equipment, a municipal recycling incentive program, recycled product procurement, guaranteed annual tonnage assistance, recycling transfer stations, source reduction and technical assistance, consumer education and participation campaign, municipal household hazardous waste program, the recycling loan program, research and development, recycling market development and recycling business development, and the operation of the Springfield materials recycling facility; provided, that funds may be expended for a recycling industry reimbursement program pursuant to section 241 of chapter 43 of the acts of 1997; provided further, that not less than $15,000 shall be provided to the Blackstone Regional Recycling Center; and provided further, that funds may be expended on municipal recycling incentives and equipment grants $2,360,267

2010-0200 For redemption centers; provided, that the department of environmental protection shall expend the funds appropriated in this item for a program to preserve the continuing ability of redemption centers to maintain operations in pursuit of the commonwealth's recycling goals consistent with section 323 of chapter 94 of the General Laws; provided further, that for the purposes of this item and said chapter 94, a redemption center shall be any business registered with the commonwealth whose primary purpose is the redemption of reusable beverage containers; provided further, that the program shall take into consideration the volume of redeemables per redemption center, the length of time the center has been in operation, the number of returnables redeemed quarterly by the centers, the submission by the centers of documentation of their redeemed returnables to the department and the costs of transportation, packing, storage and labor; and provided further, that a redemption center shall be eligible for the funds if registered with the commonwealth as of April 1, 2003 ..... $1,375,000

2020-0100 For toxics use reduction technical assistance and technology in accordance with chapter 21I of the General Laws $1,365,928

2030-1000 For the operation of the office of environmental law enforcement; provided, that officers shall provide monitoring pursuant to the National Shellfish Sanitation Program; provided further, that the department shall maintain and operate the boat registration and titling offices in Hyannis and Fall River; provided further, that funds from this item shall not be expended for the purposes of item 2030-1004; provided further that not less than $18,000 shall be expended for patrols related to enforcement of shellfish bed closures caused by the presence of red tide; provided further, that not less than $75,000 shall be expended for patrols in Wompatuck state park in the town of Hingham; and provided further, that $150,000 shall be expended for the cost of patrols performed by environmental law enforcement officers within properties controlled by the division of state parks and recreation $10,637,119

2030-1004 For environmental police private details; provided, that the office may expend revenues of up to $500,000 collected from the fees charged for private details; provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between

the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $500,000

Department Of Environmental Protection.

2200-0100 For the operation of the department of environmental protection, including the environmental strike force, the office of environmental results and strategic planning, the bureau of resource protection, the Senator William X. Wall experimental station, and a contract with the University of Massachusetts for environmental research, provided, that the provisions of section 3B of chapter 7 of the General Laws shall not apply to fees established pursuant to section 18 of chapter 21A of the General Laws; provided further, that not less than $50,000 shall be provided to the City of Pittsfield to fund the Onota Lake education program; provided further, that not less than $1,500,000 shall be expended to the town of Westford for the cleanup and remediation of number 4 fuel oil at the Abbot School located in the town of Westford; provided further, that not less than $100,000 shall be expended for DEP pump testing at the Cole property site for a municipal water supply for the town of Carver; provided further, that not less than $50,000 shall be expended for the Buzzards Bay National Estuary Program; provided further, that $168,000 shall be expended for sediment control in Lake Webster; provided further, that not less than $15,000 shall be provided to the town of Blackstone for water contamination monitoring services; provided further, that not less than $150,000 shall be expended by the department for a study and testing of the existing wells and aquifers on the grounds of the former site of the Paul A. Dever state school to determine their condition, water output and costs associated with bringing the wells and aquifers on line for use as a regional water supply; provided further, that there shall be a water management act blue ribbon panel in the office of commonwealth development, whose members shall be appointed by the chief of the office of commonwealth development and which shall include balanced representation from the executive office of environmental affairs, department of environmental protection, office

of commonwealth development, Massachusetts municipal association, Massachusetts water works association, Massachusetts water resources authority, Massachusetts audubon society, Trout Unlimited and a local rivershed or watershed association; and provided further, that this panel will study the effectiveness of the department of environmental protection's guidance policy regarding the water management act and will submit a report to the joint committee on the environment, natural resources and agriculture and to the senate and house committees on ways and means no later then December 31, 2006 ..... $34,030,671

2200-0102 The department of environmental protection may expend an amount not to exceed $1,200,000 from revenues collected from fees collected from wetland permits; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that the department shall submit a report by January 11, 2007 on implementation of the wetlands fee, the amount of the fee increase and the revenue that has been collected; and provided further, that the wetlands fees that will be directed into the General Fund shall not be lower than the amount deposited at the end of fiscal year 2004 ..... $1,200,000

2210-0100 For the implementation and administration of chapter 21I of the General Laws; provided, that the department shall submit a report to the house and senate committees on ways and means not later than February 1, 2007 detailing the status of the department's progress in meeting the statutory and regulatory deadlines associated with chapter 21I and detailing the number of full-time equivalent positions assigned to various implementation requirements of chapter 21I $961,596

2220-2220 For the administration and implementation of the federal Clean Air Act, including the operating permit program, the emissions banking program, the auto-related state implementation program, the low emission vehicle program, the non-auto-related state implementation program, and the com-

monwealth's commitments under the New England Governor's/Eastern Canadian Premier's Action Plans for reducing acid rain deposition and mercury emissions $1,029,838

2220-2221 For the administration and implementation of the operating permit and compliance program required under the federal Clean Air Act $2,002,949

2250-2000 For the purposes of state implementation of the federal Safe Drinking Water Act under section 18A of chapter 21A of the General Laws $1,591,227

2260-8870 For the expenses of the hazardous waste cleanup and underground storage tank programs, notwithstanding section 4 of chapter 21J of the General Laws $15,620,275

2260-8872 For the brownfields site audit program $1,821,681

2260-8881 For the operations of the board of registration of hazardous waste site cleanup professionals, notwithstanding section 19A of chapter 21A of the General Laws $370,101

Department Of Fish And Game.

2300-0100 For the office of the commissioner; provided, that the commissioner's office shall assess and receive payments from the division of marine fisheries, the division of fisheries and wildlife, the public access board, the riverways programs, and all other programs under the control of the department of fish and game; provided further, that the purpose of those assessments shall be to cover appropriate administrative costs of the department, including but not limited to payroll, personnel, legal and budgetary costs; provided further, that the amount and contribution from each division or program shall be determined by the commissioner of fish and game; provided further, that the commissioner shall not increase the level of assessments from the amount assessed for fiscal year 2006 to any agency, or line item within the department; provided further, that the department shall file a report with the house and senate committees on ways and means not later than September 1, 2006 that details the level of assessments to each department under the control of the office of the commissioner in fiscal years 2006 and 2007; and provided further, that $50,000 in matching funds shall be provided to the National Marine Life Center for animal care $500,001

2300-0101 For a program of riverways protection, restoration and promotion

of public access to rivers, including grants to public and nonpublic entities; provided, that the positions funded in this item shall not be subject to chapter 31 of the General Laws $548,547

2310-0200 For the administration of the division of fisheries and wildlife, including expenses of the fisheries and wildlife board, the administration of game farms and wildlife restoration projects, for wildlife research and management, the administration of fish hatcheries, the improvement and management of lakes, ponds and rivers, for fish and wildlife restoration projects, the commonwealth's share of certain cooperative fishery and wildlife programs, and for certain programs reimbursable under the federal Aid to Fish and Wildlife Restoration Act; provided, that funds from this item shall be made available to the University of Massachusetts at Amherst for the purposes of wildlife and fisheries research in an amount not to exceed the amount received in fiscal year 2006 for such research; provided further, that $200,000 shall be expended to continue to operate fish hatcheries in the towns of Montague and Sandwich; provided further, that the department shall expend the amount necessary to restore anadromous fish in the Connecticut and Merrimack river systems; provided further, that expenditures for such programs shall be contingent upon prior approval of the proper federal authorities for reimbursement of at least 75 per cent of the amount so expended; and provided further, that funds may be expended to supplement the natural heritage and endangered species program $9,200,000

Inland Fisheries and Game Fund 100.0%

2310-0306 For the hunter safety training program $447,551

Inland Fisheries and Game Fund 100.0%

2310-0316 For the purpose of land containing wildlife habitat and for the costs of the division of fisheries and wildlife directly related to the administration of the wildlands stamp program pursuant to sections 2A and 2C of chapter 131 of the General Laws; provided, that funds shall not be expended from this item in the AA object class for the compensation of state employees assigned to any item $1,800,000

Inland Fisheries and Game Fund 100.0%

2310-0317 For the waterfowl management program pursuant to section 11 of chapter 131 of the General Laws $85,000
Inland Fisheries and Game Fund 100.0%

2320-0100 For the administration of the public access board, including the maintenance, operation, and improvements of public access land and water areas; provided, that positions funded in this item shall not be subject to chapter 31 of the General Law $620,103

2330-0100 For the operation of the division of marine fisheries, including expenses of the Annisquam river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program, including coastal area classification, mapping and technical assistance, and for the operation of the Newburyport shellfish purification plant and shellfish classification program; provided, that $300,000 shall be expended on a recreational fisheries program to be reimbursed by federal funds; provided further, that not less than $333,000 shall be expended for the operation of the Newburyport shellfish purification plant and that plant shall generate not less than $115,000 from purification fees; provided further, that not less than $90,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and the Barnstable county department of health and environment; provided further, that $50,000 shall be expended for the Family Fishing Assistance Center in the city of New Bedford; provided further, that $50,000 shall be expended for the Family Fishing Assistance Center in the city of Gloucester; provided further, that the sum expended for the School for Marine Science and Technology to help mitigate the negative economic impact to the Massachusetts ports which has resulted from the change in federal fisheries regulations in fiscal year 2007 shall not be reduced from fiscal year 2006 except in proportion to adjustments consistent with the department's budget adjustment; and provided further, that funds shall be expended for the School for Marine Science and Technology for research to minimize the economic impact of new fisheries management regulations and shall not be reduced from fiscal year 2006 except in proportion to adjustments consistent with the department's budget adjustment $4,777,984

2330-0120 For the division of marine fisheries for a program of enhancement and development of marine recreational fishing and related programs and activities, including the cost of equipment maintenance, staff and the maintenance and updating of data $564,919

2330-0121 For the division of marine fisheries to utilize reimbursable federal sportfish restoration funds to further develop marine recreational fishing and related programs, including the costs of activities that increase public access for marine recreational fishing, support research on artificial reefs, and otherwise provide for the development of marine recreational fishing; provided, that the division of marine fisheries may expend revenues up to $217,989 collected from federal sportfish restoration funds and from the sale of materials which promote marine recreational fishing $217,989

Department of Agricultural Resources.

2511-0100 For the operation of the department of agricultural resources, including the office of the commissioner, the expenses of the board of agriculture, the division of dairy services, and the division of regulatory services and animal health, including a program of laboratory services at the University of Massachusetts at Amherst, the expenses of the pesticides board, and the division of agricultural development and fairs; provided, that not less than $45,000 shall be expended for shellfish propagation on the islands of Martha's Vineyard and Nantucket to be administered by the state aquaculture coordinator and Dukes and Nantucket counties; provided further, that $100,000 shall be expended for 4H activities from this item; provided further, that funds may be expended for the Southeastern Massachusetts Agricultural Partnership; provided further, that funds may be expended for agricultural fair prizes and rehabilitation, including the expenses of the agricultural lands board; provided further, that the department shall, to the extent possible, encourage corporate sponsorships for the purposes of providing agricultural fair prizes; provided further, that $200,000 shall be expended to enhance the buy local effort in western, central, northeastern southeastern Massachusetts; and provided further, that funds may be expended for implementation of the agricultural marketing

strategic plan, including, but not limited to funding for agricultural business training and technical assistance; provided further, that $150,000 shall be expended for an electronic pesticide license and product registration system for the licensing and registration required under chapter 132B of the General Laws; and provided further, that the system shall be integrated with the existing SPORT electronic licensing system operated by the department of fish and game $4,497,692

2511-0105 For the purchase of supplemental foods for the Massachusetts emergency food assistance program within the America's second harvest nationally-certified food bank system of Massachusetts; provided, that the funds appropriated herein shall reflect the America's second harvest allocation formula, to benefit the four regional food banks in Massachusetts: The Greater Boston Food Bank, Merrimack Valley Good Bank, The Food Bank of Western Massachusetts and Worcester County Food Bank; and provided further, that the department is authorized to assess an administrative charge not to exceed 2 per cent of the total appropriation herein $12,000,000

2511-3002 For the Integrated Pest Management program $300,000

Department Of Conservation And Recreation.

2800-0100 For the operation of the department of conservation and recreation; provided, that said department shall enter into an interagency service agreement with the department of state police to provide police coverage on department of conservation and recreation properties and parkways; provided further, that not less than $100,000 shall be expended within thirty days of receipt of said funds for the maintenance of the facility and animal upkeep of the mounted unit in the Blue Hills Reservation, which are not subject to said reimbursement to the department; provided further, that the department of state police shall reimburse said department of conservation and recreation for costs incurred by said department including, but not limited to vehicle maintenance and repairs, the operation of department of state police buildings and other related costs; provided further, that notwithstanding the provisions of any general or special law to the contrary, all offices and positions of the division performing construction

activities for the department of conservation and recreation shall be subject to classification under sections 45 to 50, inclusive, of chapter 30 of the General Laws; provided further, that notwithstanding the provisions of section 3B of chapter 7 of the General Laws, the department is hereby authorized and directed to establish or renegotiate fees, licenses, permits, rents and leases, and to adjust or develop other revenue sources to fund the maintenance, operation, and administration of said department; provided further, that an annual report shall be submitted to the house and senate committees on ways and means regarding fee adjustments not later than February 14, 2007; provided further, that notwithstanding the provisions of any general or special law or administrative bulletin to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the operational services division; provided further, that no funds shall be expended from this item for personnel overtime costs; provided further, that any employee paid from this item as of August 1, 2004, that was included in the report required from said item in chapter 149 of the acts of 2004, and any employees assigned to that item after August 1, 2004, shall not be paid from any other item of appropriation; provided further, that the department of conservation and recreation shall provide the house and senate committees on ways and means with a 30 day notice before any inter subsidiary transfers or interagency service agreements and the reason for said transfer; provided further, that the amount transferred pursuant to interagency service agreements shall not increase from fiscal year 2006; provided further, that $100,000 shall be expended to assist with the planning and construction of the Blue Hills Observatory & Science Center at the Blue Hills Reservation; provided further, that $185,737 shall be expended for staffing at Middlesex Fells Reservation; provided further, that the playground located adjacent to the Mary Jeanette Murray Bathhouse on Nantasket Ave on the Nantasket Beach Reservation in Hull, under the care and control of the department of conservation and recreation, shall be designated and known as "Jack Phillips Park", in honor of the tremendous service of Jack Phillips, a Hull resident and department of conservation and recreation employee who has

been instrumental in restoring the prestige and beauty of the Nantasket Beach Reservation; provided further, that suitable markers bearing that designation shall be erected by the department of conservation and recreation in compliance with the standards of the department; the department of conservation and recreation shall file a report with the house and senate committees on ways and means not later than December 15, 2006 detailing the merger of the former metropolitan district commission with the former department of environmental management into the department of conservation and recreation; provided further, that said report shall detail the efficiencies that have been achieved from said merger; provided further, that said report shall detail the areas of the department where efficiencies have been achieved from the sharing of resources; provided further, that said report shall provide a plan to fully integrate all aspects of the department and said plan shall provide any recommendations that are necessary to improve the department; provided further, that no funds shall be expended from this item for personnel overtime costs; provided further, that the department shall maintain and retain all operations, programs, real property and employees related to the Connecticut River Action Program to promote the conservation and protection of the unique natural resources present in the Connecticut river valley; provided further, that notwithstanding any general or special law to the contrary, the department shall continue to fund a maintenance contract for daily trash removal at Revere beach through proceeds received by the city of Revere and the department of conservation and recreation pursuant to section 29 of chapter 236 of the acts of 2002 and section 2 of this act; provided further, that the department shall not close the Bellegarde boat house in Lowell; provided further, that the commissioner of conservation and recreation shall meet with the Lowell legislative delegation and local officials on or before July 31, 2006 to discuss and develop a plan to keep the Bellegarde boat house open, staffed and maintained with ongoing renovations; and provided further, that the department shall notify the house and senate committees on ways and means at least 30 days before closing any facility owned or operated by the department $5,837,218

2800-0101 For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the department and the office of water resources in the department of conservation and recreation; provided, that $500,000 shall be paid to the town of Clinton, under section 8 of chapter 307 of the acts of 1987, to compensate for the use of certain land; provided further, that the amount of the payment shall be charged to the General Fund and shall not be included in the amount of the annual determination of fiscal year charges to the Massachusetts Water Resources Authority assessed to the authority under the General Laws; provided further, that not less than $250,000 shall be expended for the Mystic River Master Plan; provided further, that not less than $25,000 shall be awarded as a one-time grant to the Dudley Pond Association in Wayland to fund the expense of removing the invasive weed Eurasian Milfoil from the pond; provided further, that $48,000 shall be expended for the flood control activities undertaken by the Thames river valley communities of Massachusetts in conjunction with the state of Connecticut; provided further, that $100,000 shall be expended to Medway for an environmental protection grant; provided further, that not less than $250,000 shall be expended to the town of Braintree for a hydrologic study of the watershed area; provided further, that $400,000 be expended for monitoring of invasive weeds in Crystal Lake in the City of Peabody; and provided further, that not less than $250,000 shall be expended for a comprehensive study, including a management plan, for the entire Taunton river watershed, in accordance with the executive office of environmental affairs "Scope of Work: Taunton River Comprehensive Water Management Plan", dated May 1, 2006, to be conducted, in partnership, by the Old Colony Planning Council, the Southeastern Regional Planning & Economic Development District and the Watershed access lab at Bridgewater State College $2,692,275

2800-0401 For a program to provide stormwater management for all properties and roadways under the care, custody and control of the department of conservation and recreation; provided, that the department shall develop and implement a stormwater management program in compliance with federal and state stormwater management requirements; provided further, that

the department shall inventory all existing stormwater infrastructure, assess its current stormwater practices, analyze long term capital and operational needs, and develop a stormwater management plan to comply with federal and state regulatory requirements; and provided further, that in order to protect public safety and to protect water resources for water supply, recreational and ecosystem uses, the department will immediately implement interim stormwater management practices including but not limited to street sweeping, inspection and cleaning of catch basins, and emergency repairs to roadway drainage $950,000

2800-0500 For the freshwater and saltwater beaches under the control of the department of conservation and recreation; provided, that all beaches shall remain open and staffed from Memorial Day through Labor Day; provided further, that the beaches shall have their full amount of required maintenance and upkeep; provided further, that no less than $35,000 shall be expended for Nahant Beach Reservation; provided further, that not less than $150,000 be allocated for maintaining, trash removal, maintenance and up keep for Nantasket Beach in the town of Hull; provided further, that the department shall file a report with the house and senate committees on ways and means not later than December 15, 2006 that shall include, but not be limited to, the following: (1) the amount of funding provided to each beach under the control of the department in fiscal years 2004, 2005 and 2006; (2) a breakdown of how the funds were spent for each beach and the services that were provided; (3) the items of appropriation used to provide funding; (4) the amount of funding to be provided for each beach in fiscal year 2007 from this item; and (5) a list of the services or materials for each beach that will be provided from this item; and provided further, that not less than $250,000 shall be appropriated to the Middlesex canal commission $1,735,000

2800-0600 For the pools and spray pools under the control of the department of conservation and recreation; provided, that all pools and spray pools shall remain open and staffed from Memorial Day through Labor Day; provided further, that the pools and spray pools shall have their full amount of required maintenance and upkeep; and provided further, that the department shall file a report with the house and senate committees on ways

and means not later than December 15, 2006 that shall include, but not be limited to, the following: (1) the amount of funding provided to each pool under the control of the department in fiscal years 2004, 2005 and 2006; (2) a breakdown of how the funds were spent for each pool and the services that were provided; (3) the items of appropriation used to provide funding; (4) the amount of funding to be provided for each pool in fiscal year 2007 from this item; and (5) a list of the services or materials for each pool that will be provided from this item $750,000

2800-0700 For the office of dam safety; provided, that the department shall, in collaboration with the department of environmental protection and the department of fish and game, establish and maintain a comprehensive inventory of all dams in Massachusetts, and develop a coordinated permitting and regulatory approach to dam removal for stream restoration and public safety; and provided further, that the department shall file a report with the house and senate committees on ways and means not later than February 4, 2007 that shall include, but not be limited to, the following: (1) the number of staff that are assigned from this item and their job title, (2) the number of dam inspections that are scheduled for fiscal year 2007, and (3) the number of dams that are in need of repairs, or need to be replaced $1,045,000

2800-9004 For certain payments for the maintenance and use of the Trailside Museum and the Chickatawbut Hill center $375,000

2810-0100 For the operations of the division of state parks and recreation; provided, that funds appropriated in this item shall be used to operate all of the division's parks, heritage state parks, reservations, campgrounds, beaches and pools and for the oversight of rinks, to protect and manage the division's lands and natural resources including the forest and parks conservation services and the bureau of forestry development; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that the department may issue grants to public and nonpublic entities from this item; provided further, that not less than $200,000 shall be expended for Watson's Pond State Park in Taunton for recreation purposes; provided further, that Watson's Pond State Park in Taunton and Ames Nowell state park in Abington shall remain open and appropriately staffed

to allow public swimming and recreation for the season; provided further, that not less than $400,000 shall be expended for the maintenance of the community center at Greenleaf Park in the City of Springfield; provided further, that not less than $10,000 shall be provided to the Wheelocksville Park Association; provided further, that $100,000 shall be expended for a public safety program in the city of Woburn; provided further, that no less than $500,000 shall be expended for a public safety grant on Morrissey Boulevard in Dorchester; provided further, that not less than $100,000 shall be expended for the electric tide gate controls at the DCR owned Wollaston Beach; provided further, that $650,000 shall be expended for the replacement of outdated motor vehicle equipment; provided further, that the department shall file a report with the house and senate committees on ways and means not later than December 20, 2006 on the vehicles that are to be replaced; provided further, that said report shall include, but not be limited to, the following: a detailed list of every vehicle that was replaced that includes (1) the age of each vehicle that was replaced, (2) the type of each vehicle that was replaced, (3) a list of any vehicles that are scheduled to be replaced; provided further, that $185,000 shall be expended for the Schooner Ernestina commission; provided further, that the level of funding for the beaches and pools from this item in fiscal year 2007 shall not be reduced from fiscal year 2006; and provided further, that not less than $25,000 shall be appropriated for the Orange River Front Park Project $22,312,890

2810-0200 For summer employment programs at department of conservation and recreation facilities; provided, that the programs shall include peer-led youth recreation and interpretive programs, a youth all-star band, and a park repair and improvement program by skilled and unskilled laborers; provided further, that the programs shall provide opportunities for underprivileged populations, especially in economic development areas; and provided further, that not less than $1,000,000 shall be allocated for the city of Boston for summer and related employment initiatives in the city of Boston $2,000,000

2810-2000 For the seasonal hires of the division of state parks and recreation, including hires for the forest fire control unit; provided, that no funds from this item shall be expended for

year-round seasonal employees; provided further, that seasonal employees who are hired prior to the second Sunday before Memorial Day and whose employment continues beyond the Saturday following Labor Day and who received health insurance benefits in fiscal year 2006 shall continue to receive such benefits in fiscal year 2007 during the period of their seasonal employment; provided further, that no expenditures shall be made from the amount appropriated other than for those purposes identified in this item; provided further, that notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this item are positions requiring the services of an incumbent, on either a full-time or less than full-time basis beginning not earlier than April 1 and ending not later than November 30, or beginning not earlier than September 1 and ending not later than April 30; and provided further, that notwithstanding said section 1 of said chapter 31, seasonal positions funded by this item shall not be filled by an incumbent for more than 8 months within a 12-month period $5,567,735

2810-2040 The division of state parks and recreation may expend not more than $4,454,826 from revenue collected from fees charged by the division, including revenues collected from campsite reservation transactions from the automated campground reservation and registration program for additional expenses, upkeep and improvements to the parks and recreation system and for the personnel costs of seasonal employees; provided, that no funds from this item shall be expended for the costs of full-time equivalent personnel; provided further, that for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that no expenditures made in advance of the receipts shall be permitted to exceed 75 per cent of the amount of revenues projected by the first quarterly statement required by section 1B; provided further, that the comptroller shall notify house and senate committees on ways and means at the time subsequent quarterly statements are published of the variance between actual and projected receipts in each such quarter and

the implications of that variance for expenditures made; and provided further, that the division may issue grants to public and nonpublic entities from this item $4,454,826

2820-0100 For the administration, operation and maintenance of the division of urban parks and recreation, including for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the division, flood control activities of the division, purchase of all necessary supplies and related equipment, and the civilianization of crossing guards located at division intersections where state police previously performed such duties; provided, that no less than $50,000 shall be expended for the maintenance of Red Rock Park on Lynn Shore Drive in the town of Lynn; provided further, that the parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation; provided further, that not less than $50,000 shall be expended for remediation of hazardous conditions at the former Nike/Ajax Missile launch site, "so-called", in the town of Randolph, including but not limited to, removal of silos and buildings and to secure the site; provided further, that $50,000 be expended for school zone safety in the town of Wakefield; provided further, that not less than $25,000 shall be expended for Loker Park in Natick; provided further that $40,000 shall be expended for aquatic nuisance control in Sluice Pond and Flax Pond in the city of Lynn; provided further that not less than $60,000 be expended for irrigation program in the town of Pembroke; provided further, that not less than $450,000 shall be expended for the city of Lowell; provided further, that not less than $225,000 shall be expended for maintenance and horticulturalist personnel for the southwest corridor park; provided further, that $320,000 shall be expended for the Boston Parks Department; provided further, that $25,000 shall be expended for aquatic weed control for Upper Mystic Lake in Winchester; provided further, that $15,000 be expended for aquatic weed control for Winter Pond in Winchester; provided, further, that not less than $250,000 shall be expended for the Echo Bridge safety program in the

city of Newton and town of Needham; provided further, that not less than $250,000 shall be expended for the maintenance of a linked trail system for local and state parks along the Back River in the towns of Weymouth and Hingham; provided further, that not less than $75,000 shall be expended for the Belle Isle Marsh for the purpose of enhancing public access and recreation in consultation with the friends of Belle Isle Marsh; provided further, that not less than $100,000 shall be expended for the operations of Milford recreation program; provided further, that not less than $75,000 shall be expended for maintenance and management of the Neponset Reservation including Pope John Paul Park and the Multiuse Trail in Dorchester and Milton; provided further that not less than $75,000 shall be expended for a study of pedestrian safety issues at the intersection of Route 16 and Rindge Avenue in Cambridge, and for refurbishment of the lighting at said intersection, including both pedestrian traffic lights and the general lighting at the Parkway; provided further, that $75,000 shall be expended for staffing on the Esplanade in Boston; provided further, that not less than $100,000 shall be allocated for an environmental study administered by the commissioner of the department of conservation and recreation to determine the actions necessary to restore complete environmental safety to the General Services Administration property on Greenough Boulevard in Watertown; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that not less than $3,902 shall be expended on the Senator Charles E. Shannon Crossing Guard Corps at the corner of Mystic avenue and Shore drive in the city of Somerville; provided further, that $50,000 shall be expended for flood mitigation at Fellsmere pond; provided further, that not less than $50,000 shall be expended for the purposes of trash removal on Revere beach between May 30th and September 5th, which shall match proceeds generated pursuant to section 29 of chapter 236 of the acts of 2002; provided further, that $297,000 shall be expended for the James Michael Curley Recreation Center in the city of Boston; provided further, that $95,000 shall be allocated for a private contractor to maintain the DCR Lynn Shore drive facility; provided further, that the

level of funding for the beaches and pools from this item in fiscal year 2007 shall not be reduced from fiscal year 2006; provided further, that no funds from this item shall be made available for payment to true seasonal employees; and provided further, that the rinks under the control of the department shall remain open and staffed for the full rink season $26,719,207

2820-0101 For the costs associated with the department's urban park rangers specific to the security of the state house; provided, that funds appropriated in this item shall only be expended for the costs of security and urban park rangers at the state house $1,778,080

2820-0200 For seasonal hires of the division of urban parks and recreation; provided, that no funds in this item shall be used for year-round seasonals; provided further, that notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this item are positions requiring the services of an incumbent, on either a full-time or less than full-time basis beginning not earlier than April 1 and ending not later than November 30, or beginning not earlier than September 1 and ending not later than April 30; and provided further, that notwithstanding said section 1 of said chapter 31, seasonal positions funded by this item shall not be filled by an incumbent for more than 8 months within a 12-month period $3,159,341

2820-0300 For the operation and maintenance of the central artery/tunnel parks and spectacle island $1,371,000

2820-1000 The division of urban parks and recreation may expend not more than $200,000 from revenue collected pursuant to section 34B of chapter 92 of the General Laws $200,000

2820-1001 The division of urban parks and recreation may expend not more than $50,000 from revenue collected for the operation and maintenance of the division's telecommunications system from revenues received from the Massachusetts Water Resources Authority, the Massachusetts Convention Center Authority, the department of highways, central artery/Ted Williams tunnel project, the department of state police and quasi-public and private entities through a system of user fees and other charges established by the commissioner of conservation and recreation; provided, that nothing in this item shall impair or diminish the rights of access and utilization of all current users of the system under agreements

previously entered into; and provided further, that this item may be reimbursed by political subdivisions of the commonwealth and private entities for direct and indirect costs expended by the division to maintain the telecommunications system $50,000

2820-2000 For the expenses of maintaining the parkways within the division of urban parks and recreation, including the costs of personnel and snow and ice removal expenses; provided, that the department of conservation and recreation shall take all measures to ensure that the department's snow and ice control efforts are efficient and cost effective; provided further, that the secretary of environmental affairs shall submit to the house and senate committees on post audit and oversight and the house and senate committees on ways and means a report detailing a snow emergency plan for roads, bridges and sidewalks under the care of the department of conservation and recreation by January 14, 2007; and provided further, that the secretary of environmental affairs shall submit to the house and senate committees on post audit and oversight and the house and senate committees on ways and means a report not later than September 1, 2006 which shall include, but not be limited to, the following: (a) a list of amounts paid from state appropriations for snow and ice control efforts for fiscal years 2005 and 2006, and (b) any other information that said secretary determines is necessary to account for and explain the extraordinary expenditure of state appropriations for the control and removal of snow and ice $1,547,434

2820-3001 The division of urban parks and recreation may expend not More than $1,000,000 from revenue collected from skating rink fees and rentals for the operation and maintenance, including personnel costs, of 4 rinks between September 1, 2006 and April 30, 2007 for an expanded and extended rink season; provided, that when assigning time for the use of its rinks, the division shall give priority to those which qualify under applicable state and federal law as nonprofit organizations or as a public school $1,000,000

2820-4420 For the operation and maintenance of the Ponkapoag golf course; provided, that the division of urban parks and recreation may expend not more than $1,100,000 from revenue collected from fees generated by the golf course; provided further, that for the purposes of accommodating discrepancies between the

receipt of retained revenue and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account are positions requiring the services of an incumbent, on either a full-time or less than a full-time basis beginning not earlier than April 1 and ending not later than November 30 ..... $1,100,000

2820-4421 For the operation and maintenance of the Leo J. Martin golf course; provided, that the division of urban parks and recreation may expend not more than $1,100,000 from revenue collected from fees generated by the golf course; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenue and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account shall be positions requiring the services of an incumbent, on either a full-time or less than a full-time basis beginning not earlier than April 1 and ending not later than November 30 ... $1,100,000

2820-9005 For the operation of street lighting on the division of urban parks and recreation parkways; provided, that no expenditure shall be made other than in the GG object class; provided further, that the department of conservation and recreation shall take all measures to further ensure that said department's street lighting efforts are efficient and cost effective; provided further, that said department shall implement a plan to achieve efficiencies and reduce said lighting costs; and provided further, that said department shall file a report with the house and senate committees on ways and means not later than September 1, 2006 on measures taken to ensure efficiency and cost effectiveness of their street lighting program that shall include but not be limited to the following (1) all efforts taken by said department to reduce street lighting costs in fiscal years, 2005 and 2006 (2) efforts to reduce the

amount paid for electricity through bulk purchasing agreements and (3) a long range plan on energy savings initiatives $3,006,832

Department of Early Education and Care.

3000-1000 For the administration of the department of early education and care and the costs of field operations and licensing provided through the department; provided that funds from this item shall be expended on the development and piloting of a kindergarten readiness assessment system that is educationally sound; provided further, that funds from this item shall be expended on the development of a comprehensive evaluation system for all early education and care programs in the commonwealth; provided further, that not later than December 15, 2006, the department shall issue its annual report to the secretary of administration and finance, the chairpersons of the joint committee on education, and the chairpersons of the house and senate ways and means committees, which shall include an update on the progress made in meeting the information technology needs of the department, and on the development of a comprehensive and scientifically valid longitudinal study of the effectiveness of various early education and care programs and services; provided further, that the department shall report monthly to the joint committee on education, the joint committee on children and families, the house and senate committees on ways and means, and the secretary of administration and finance on the unduplicated number of children on waiting lists for state-subsidized early education and care programs and services; provided further, that notwithstanding chapter 66A of the General Laws to the contrary, the department of early education and care, the lead agencies of community partnership councils, the child care resource and referral agencies, the department of education, the department of transitional assistance, the department of social services, and the department of public health may share with each other personal data regarding the parents and children who receive services provided under early education and care programs administered by the commonwealth for waitlist management, program implementation and evaluation, reporting, and policy

development purposes; provided further, that the commissioner of the department of early education and care may transfer funds between items 3000-2000, 3000-2025, 3000-4000, 3000-4050, and 3000-4060, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; provided further, that no more than 5 percent of any item may be transferred in fiscal year 2007; provided further, that funds from this item shall be expended to develop an implementation plan for a workforce development system in collaboration with the board and chancellor of higher education, pursuant to section 5 of chapter 15D of the General Laws; provided further, that, as part of the development of said workforce implementation plan, not less than $100,000 shall be expended for the development of core competencies for those working with children in early education programs; provided further, that the department shall consult with early childhood education practitioners, researchers and experts in early childhood education, child development, and children's mental health, and faculty in degree granting programs in the early childhood education field; provided further, that in developing said core competencies the department shall differentiate by levels of responsibility, delivery settings, and developmental age group of the children; provided further, the department shall consider core competencies defined by other states as well as the Program Standards for Children Ages 3 and 4 promulgated by the department of education; provided further, that the board of early education and care shall adopt core competency requirements for those working with children from birth through entrance into kindergarten on or before February 15, 2007; and provided further, that a copy of the proposed core competencies shall be provided, no later than December 15, 2006, to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education $10,952,486

3000-2000 For the regional administration of early education and care programs and services and related to early education and care activities; provided, that the activities shall include, but not be limited to, voucher management, regional child care provider training, resource and referral for children with disabilities in child care programs, community-based programs that provide direct services to parents and coordination of waiting lists for state-subsidized early education and care; provided further, that the department shall administer the child care resource and referral system through the regional offices funded in this item; and provided further, that the regional offices shall collaborate with the board and commissioner of early education and care to produce the workforce development plan required under section 5 of chapter 15D of the General Laws $11,564,079

3000-2025 For grants to community partnership councils to maximize local participation in the programs and services of the department, and provide an opportunity for local input into departmental goals and policies; provided, that said grants shall be used by the councils to fund administrative costs, pay for program coordination and support, provide outreach to hard to reach populations, encourage comprehensive planning at the local level through interagency and community collaboration, support comprehensive services for children and families, and work to increase and improve the quality of programs; provided further, that the department shall assist councils receiving grants of less than $100,000 that choose to regionalize with the implementation of any regionalization plans; provided further, that up to $500,000 may be expended on planning grants to assist local councils in expanding their mission beyond pre-school aged children to include the provision of comprehensive services, community collaboration, quality, and outreach efforts to all children served by the department regardless of age; provided further, that the plans resulting from these grants shall be compiled by the department and submitted, along with any legislative recommendations relative to the statutory authority of these councils, no later than February 15, 2007, to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint

committee on education; provided further, that the department shall establish a consolidated application process by which said councils may apply for any funds available to them through the department, and a means of reporting expenditures that is consistent with the line item structure of this act; provided further, that funds may be expended for administrative costs of local councils; provided further, that recipients of grants distributed from this item shall not expend more than $5,496,045 for administrative costs, as defined by the department; and provided further, that the department shall coordinate with the community partnership councils to submit a report detailing all projected administrative expenditures by council under this item, including all salaries and benefits, to the chairpersons of the house and senate committees on ways and means and the chairpersons of the joint education committee no later than February 1, 2007 .... $14,920,736

3000-2050 For the administration of the Children's Trust Fund; provided, that notwithstanding any general or special law to the contrary, the department of early education and care shall collaborate with Children's Trust Fund on the implementation of section 202 of chapter 6 of the General Laws, but shall not exercise any supervision or control with respect to the board $1,382,307

3000-3050 For supportive early education and care associated with the family stabilization program; provided, that funds from this item shall only be expended for early education and care costs of children with active cases at the department of social services; provided further, that the department of social services and the department of early education and care are directed to design and implement standards for early education and care placements made under this item; provided further, that the department of early education and care, in collaboration with the department of social services, shall maintain a centralized list detailing the number of children eligible for services in this item, the number of supportive slots filled, and the number of supportive slots available; provided further, that no waiting list for the services shall exist; provided further, that all children eligible for services under this item shall receive said services; provided further, that if the department determines that available appropriations for this program will be insufficient

to meet projected expenses, the commissioner shall file with the house and senate committees on ways and means and with the secretary of administration and finance, a report detailing the amount of appropriation needed to address such a deficiency; provided further, that the commissioner of the department of early education and care may transfer funds to this item from items 3000-1000, 3000-4050 and 3000-4060, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days before the transfer; and provided further, that not less than $1,300,000 shall be expended to increase rates for transportation costs associated with this item $54,673,130

3000-4000 For preschool programs and direct services provided to children from the age of 2 years and 9 months until they are kindergarten eligible, through a mixed system of service delivery including cities, towns, regional school districts, educational collaboratives, head start programs, and licensed child care providers, under criteria, guidelines and eligibility established by the board of early education and care; provided, that all families receiving services through this line item shall be identified and enrolled from the centralized waiting list for financial aid maintained by the department; provided further, that children enrolled and receiving services in fiscal year 2006 shall not be affected by said new priorities; provided further, that children receiving services through this program shall retain priority status for future services available through the department upon attaining the age of 5, notwithstanding the receipt of services funded through this item; provided further, that in allocating the funds and evaluating grant applications, the board of early education and care shall give priority consideration to 3 and 4-year-old children in cities and towns where high concentrations of low-income working families reside; provided further, that not less than one-third of the total slots funded through this line item shall be for full-day, full-year care that meets the needs of working parents; provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2007 to allow for the continuation of individual child placements during the summer months; and

provided further, that any payment made under any such grant with a school district shall be deposited with the treasurer of such city, town, or regional school district and held as a separate account and shall be expended by the school committee of such city, town, or regional school district without municipal appropriation, notwithstanding any general or special law to the contrary $47,641,095

3000-4050 For early education and care programs for families in transition; provided, that the department shall issue monthly reports detailing the number and average cost of voucher and contracted slots funded from this item and item 3000-3050 by category of eligibility; provided further, that the report shall include the number of recipients subject to subsection (f) of section 110 of chapter 5 of the acts of 1995 funded from this item; provided further, that notwithstanding any general or special law to the contrary, the office shall perform post-audit reviews on a representative sample of the income-eligibility determinations performed by vendors receiving funds from this item; provided further, that the department shall report quarterly to the joint committee on education, the joint committee on children and families, the house and senate committees on ways and means and the secretary of administration and finance on the error rate, if any, in income-eligibility determinations calculated by the post audit reviews; provided further, that recipients of benefits under the employment services program or any successor program, participants of any component activity under the program of transitional aid to families with dependent children, former recipients of transitional aid to families with dependent children who are employed during the year after termination of benefits, former recipients of transitional aid to families with dependent children participating in education or training programs authorized by department of transitional assistance regulations, parents under the age of 18 currently enrolled in an education or job training program who would qualify for transitional aid for families with dependent children, but for the deeming of grandparents' income, and former recipients of transitional aid to families with dependent children who are employed or in an authorized period of job search as of the expiration of the transitional year, and require post-transitional early education and care vouchers, shall be

paid for from this item; provided further, that recipients of transitional aid to families with dependent children shall not be charged fees for care provided under this item; provided further, that early education and care for the children of teen parents receiving transitional aid to families with dependent children benefits, teen parents receiving supplemental security income payments and whose dependent children receive the aid, and teen parents at risk of becoming eligible for transitional aid to families with dependent children benefits shall be paid from this item; provided further, that all teens eligible for year-round full-time early education and care services shall be participating in school, education, work and training-related activities or a combination thereof for at least the minimum number of hours required by regulations promulgated for the program of transitional aid, whether or not such teens are recipients of benefits from the program; provided further, that early education and care slots funded from this item shall be distributed geographically in a manner that provides fair and adequate access to early education and care for all eligible individuals; provided further, that informal early education and care benefits shall be funded from this item; provided further, that not more than $2 per child per hour shall be paid for the services; provided further, that income-eligible early education and care shall not be funded from this item; provided further, that all early education and care providers that are part of a public school system shall accept early education and care vouchers from recipients funded through this appropriation; provided further, that no waiting list for the services shall exist; provided further, that all children eligible for services under this item shall receive said services; provided further, that if the department determines that available appropriations for this program will be insufficient to meet projected expenses, the commissioner shall file with the house and senate committees on ways and means and with the secretary of administration and finance, a report detailing the amount of appropriation needed to address such a deficiency; provided further, that the commissioner of the department of early education and care may transfer funds to this item from items 3000-1000, 3000-2000, 3000-2025, 3000-4000 and 3000-4060, as necessary, pursuant to an allocation plan, which shall detail by

object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means at least 30 days before the transfer; and provided further, that not more than 3 percent of any item may be transferred in fiscal year $163,151,082

3000-4060 For income-eligible early education and care programs; provided, that income eligible programs shall not include the employment services child care program, transitional child care programs, or post-transitional child care programs; provided further, that not less than 500 early education and care slots shall be reserved for children in the foster care program at the department of social services; provided further, that informal early education and care benefits for families meeting income-eligibility criteria shall be funded from this item; provided further, that not more than $2 per child per hour shall be paid for the services; provided further, that early education and care slots funded from this item shall be distributed geographically in a manner that provides fair and adequate access to early education and care for all eligible individuals; provided further, that all early education and care providers that are part of a public school system shall be required to accept early education and care vouchers from recipients funded through this appropriation; provided further, that notwithstanding any general or special law to the contrary, the office shall perform post-audit reviews on a representative sample of the income-eligibility determinations performed by vendors receiving funds from this item; provided further, that the department shall report quarterly to the joint committee on education, the joint committee on children and families, the house and senate committees on ways and means and the secretary of administration and finance on the error rate, if any, in income-eligibility determinations calculated by the post audit reviews; and provided further, that the department shall maintain not less than the same number of vouchers funded in fiscal year 2006 ..... $150,714,917

3000-5000 For grants to head start programs; provided, that funds from this item may be expended on early head start programs $8,500,000

3000-5075 For the Massachusetts Universal Pre-Kindergarten Program established under chapter 15D of the General Laws; provided,

that funds from this item shall be expended on pilot implementation grants to provide preschool programs and services to children from the age of 2 years and 9 months until they are kindergarten eligible, through a mixed system of service delivery including cities, towns, regional school districts, educational collaboratives, head start programs, and licensed child care providers; provided further, that the department shall develop, in consultation with Strategies for Children/ Early Education for All and with other stakeholders in early education, an estimate of the cost of funding a pre-school classroom that meets the standards and goals set forth in the Early Childhood Program Standards for Three and Four Year Olds and the Guidelines for Preschool Learning Experiences approved by the board of education in April of 2003, provided further, that said estimates and regulations governing the program shall be adopted by the board not later than its October meeting; provided further, that grants shall be awarded not later than the December board meeting in order to allow for implementation of said programs during the second half of the school year; provided further, that in awarding grant funds under this program, preference may be given to establishing pre-school classrooms in towns and cities with schools and districts at risk of or determined to be under-performing in accordance with sections 1J and 1K of chapter 69 and in districts with a high percentage of students scoring in level one and two on the MCAS exams; provided further, that the department shall report on the implementation of these grants, no later than February 15, 2007, along with any legislative recommendations for the improvement of said universal pre-school programs; provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; and provided further, that any payment made under any such grant with a school district shall be deposited with the treasurer of such city, town, or regional school district and held as a separate account and shall be expended by the school committee of such city, town, or regional school district without municipal appropriation, notwithstanding any general or special law to the contrary $4,638,739

3000-6000 For early education and care quality expenditures; provided, that not less than $1,321,145 shall be expended for activities to increase the supply of quality early education and care for infants and toddlers; provided further, that not less than $1,000,000 shall be expended for resource and referral services provided through item 3000-2000; provided further, that not less than $234,248 shall be expended for school-age child care activities; provided further, that not less that $1,738,739 shall be expended for grants to early education and care providers in the commonwealth for the costs associated with accreditation by the National Association for the Education of Young Children, the National Association for Family Child Care, or such other accreditation agencies as may be approved by the board; provided further, that said funds shall be distributed by the department with approval of the board; provided further, that eligible recipients for such grants shall include community partnership councils, municipal school districts, regional school districts, educational collaboratives, head start programs, licensed child care providers, and child care resource and referral centers; provided further, that the department shall work with community partnership councils and child care resource and referral centers to identify applicants who are highly talented providers capable of meeting the rigorous accreditation requirements of these agencies; provided further, that not less than $250,000 shall be expended for the development of a quality rating system for early education and care programs participating in the universal pre-kindergarten program under section 13 of chapter 15D of the General Laws; provided further that the Department shall consult with experts in early childhood education and quality measurement and with Massachusetts providers, including those representing family child care, non-profit centers, for-profit centers, Head Start programs, and public school programs; provided further that the development of a quality rating system shall include, but not be limited to, a definition of quality standards under section 11 of chapter 15D of the General Laws, the development of a quality rating scale, and recommendations relative to quality rating system implementation, governance, monitoring, accountability, and for ensuring reciprocity between a

quality rating system and existing accountability standards including but not limited to licensing regulations, National Association for the Education of Young Children accreditation, PRISM, and public school standards; provided further, that the department shall submit its findings and recommendations to the clerk of the house of representatives who shall forward the same to the house and senate committees on ways and means and the joint committee on education on or before December 15, 2006; provided further, that no funds from this item shall be used to fund capital assets or equipment for for-profit providers or agencies; provided further, that no funds shall be expended for the DD object class expenses of the department, out of state travel, bottled water, chargebacks, office equipment, prior year deficiencies, or the Virtual Gateway system; and provided further, that no funds shall be expended, obligated or transferred from this item prior to the submission of written certification by the commissioner to the house and senate committees on ways and means that all planned expenditures and allocations from this item shall have no fiscal impact beyond fiscal year 2007 ..... $4,544,132

3000-6050 For grants to provide professional development for early education and care providers to be distributed by the department with approval of the board; provided, that eligible recipients for such grants shall include community partnership councils, municipal school districts, regional school districts, educational collaboratives, head start programs, licensed child care providers, and child care resource and referral centers; provided further, that the department shall only approve professional development courses and offerings with proven, replicable results in improving early education and care, and which shall have demonstrated the use of best practices, as determined by the department; provided further, that the department shall, not later than February 15, 2007, provide a report on the number of early childhood educators and providers who have received such training, the estimated number who have requested such additional training, and a review and analysis of the most effective types of professional development and the most common gaps in the knowledge base of early childhood educators, along with legislative or regulatory recommendations of the department; and provided

further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education $1,500,000

3000-6075 For early childhood mental health consultation services in early education and care programs in the commonwealth; provided, that preference shall be given to those services designed to limit the number of expulsions and suspensions from said programs; provided further, that eligible recipients for such grants shall include community partnership councils, municipal school districts, regional school districts, educational collaboratives, head start programs, licensed child care providers, and child care resource and referral centers; provided further, that the department shall issue a report not later than February 15, 2007 estimating the number of pre-school suspensions and expulsions that occur each year in the commonwealth, the relative frequency of each type of mental illness or behavioral issues among children receiving programs and services from the department, and an analysis of the most effective intervention strategies; and provided further, that said report shall be provided, along with recommendations for legislative or regulatory changes, to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education $1,400,000

3000-7000 For statewide neonatal and postnatal home parenting education and home visiting programs for at-risk newborns to be administered by the Children's Trust Fund; provided, that the department shall collaborate with the Children's Trust Fund, whenever feasible and appropriate, to coordinate services provided though this item with services provided through item 3000-7050 and 3000-7070 in order to ensure that parents receiving services through this item are aware of all opportunities available to them and their children through the department; provided further, that such services shall be made available statewide to parents under the age of 21 years; and provided further, that notwithstanding any general or special law to the contrary, priority for such services shall be given to low-income parents $12,563,844

3000-7050 For grants to programs which improve the parenting skills of participants in early education and care programs in the commonwealth; provided, that not less than $5,395,694 shall be expended on the Mass Family Networks program; provided further, that not less than $3,000,000 shall be expended for grants for the home-based parenting, family literacy, and school readiness program known as the Parent-Child Home Program; provided further, that, of said $3,000,000, the department shall distribute not less than $2,250,000 to expand capacity at existing Parent-Child Home Program sites not later than August 15, 2006, in order to allow a full year of service for parents involved in said programs; provided further, that of said $3,000,000, the department shall distribute not less than $750,000 to establish replication sites in cities and towns where high concentrations of low income families reside; provided further, that for grants awarded to establish the replication sites, the department shall consider applications from school districts or social service agencies that demonstrate the capacity to replicate the home visiting program to serve area low income families; provided further, that the grants to establish replication sites shall be awarded not later than October 30, 2006; and provided further, that preference for the grants shall be given to applicants who demonstrate a commitment to maximize federal and local funding for the operation of the replication site $8,395,694

3000-7070 For matching grants to fund the Reach Out and Read program, to provide books to at-risk children through book distribution programs established in community health centers, medical practices and hospitals for at-risk children; provided, that the funds distributed through this program shall be contingent upon a match of not less than $1 in private or corporate contributions for every $1 in state funding distributed through the grant program; and provided further, that the department shall, to the maximum extent feasible, coordinate services provided though this item with services provided through items 3000-7000 and 3000-7050 in order to ensure that parents receiving services through this item are aware of all opportunities available to them and their children through the department $1,000,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Office of the Secretary

4000-0112 For matching grants to boys' and girls' clubs, YMCA and YWCA organizations, nonprofit community centers, and youth development programs provided, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from the organization provided further, that not less than $3,000,000 shall be expended for the Massachusetts Alliance of Boys and Girls Clubs provided further, that not less than $80,000 shall be expended for the young parents program of the Newton Community Service Centers provided further, that not less than $50,000 be expended for programs and improvements at the Haverhill YWCA provided further, that not less than $40,000 shall be expended for the public partnership program between the greater Lynn YMCA and YWCA and the public partnership program between the town of Saugus and the Saugus YMCA and YWCA provided further, that not less than $50,000 shall be expended for programs at the Northeast Family YMCA provided further, that not less than $100,000 shall be expended for programs at the YWCA of Newburyport provided further, that not less than $50,000 shall be expended for the Project Adventure Youth Leadership Program administered by Family Services Incorporated of Lawrence provided further, that not less than $50,000 shall be expended for programs at the Girls Incorporated of Holyoke drop-in center provided further, that not less than $25,000 shall be expended for programs at the Fishing Academy, Incorporated provided further, that not less than $125,000 shall be expended for the Greater Worcester YMCA Youth Programs provided further, that not less than $50,000 shall be expended for youth counseling, GED/School-to-Career Program, drug prevention, and at-risk youth services at a regional youth center in Uxbridge provided further, that not less than $50,000 shall be expended for programs at the Merrimack Valley YMCA in Methuen provided further, that not less that $100,000 shall be expended for the United Teen Equality Center in Lowell provided further, that not less than $50,000 shall be expended for youth and family programs at the West Suburban YMCA

provided further, that not less than $100,000 shall be expended for health and wellness programming at the YWCA of Greater Lawrence provided further, that not less than $50,000 shall be expended for the YMCA of Cape Cod; provided further, that not less than $100,000 shall be expended for the Springfield Day Nursery provided further, that not less than $50,000 shall be expended for the Franklin Community Action Corporation for youth services provided further, that not less than $3,100 shall be expended for the First "R" Reading Program, so-called, in the city of Gloucester provided further, that not less than $100,000 shall be expended for Dot-Well youth services and out of school time activities provided further, that not less than $25,000 be expended for the YMCA of Greater Lynn provided further, that not less than $100,000 shall be expended for the YWCA Boston for a wellness program for women and girls affected by the disparities in health care in the city of Boston; provided further, that not less than $150,000 shall be expended for nonprofit Youth Services in Andover; provided further, that not less than $50,000 shall be expended to the Chelsea YMCA; provided further, that $100,000 shall be expended for the Nazzaro Recreation Center; provided further, that not less than $50,000 shall be expended for the Oak Square YMCA that will service teens from ages 13 to 17; provided further, that not less than $1,000,000 shall be expended for the YMCA of Greater Boston to facilitate projects approved by the board of directors of the YMCA including, but not limited to, projects in the town of Norwood, the West Roxbury area of Boston, East Boston, Woburn, Bedford and in other cities and towns within the greater Boston area; and provided further, that the secretary shall report to the house and senate committees on ways and means on the exact amount distributed in fiscal year 2007 by March 1, 2007 ..... $5,698,100

4000-0300 For the operation of the executive office, including the operation of the managed care oversight board; provided, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that the executive office and its agencies, when contracting for services on the islands of Martha's Vineyard and Nantucket, shall take into

consideration the increased costs associated with the provision of goods, services, and housing on said islands; provided further, that the executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by all agencies under the purview of the secretariat, and shall ensure that all measures are taken to make such systems compatible with one another for enhanced interagency interaction; provided further, that the executive office shall continue to develop and implement the common client identifier; provided further, that the executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that funds appropriated herein shall be expended for the administrative, contracted services and non-personnel systems costs related to the implementation and operation of programs authorized by sections 9A to 9C, inclusive, and section 16C of chapter 118E of the General Laws; provided further, that such costs shall include, but not be limited to, pre-admission screening, utilization review, medical consultants, disability determination reviews, health benefit managers, interagency service agreements, the management and operation of the central automated vendor payment system, including the recipient eligibility verification system, vendor contracts to upgrade and enhance the central automated vendor payment system, the medicaid management information system and the recipient eligibility verification system MA21, costs related to the information technology chargebacks, contractors responsible for system maintenance and development, personal computers and other information technology equipment; provided further, that 50 per cent of the cost of provider point of service eligibility verification devices purchased shall be assumed by the providers utilizing the devices; provided further, that the executive office shall assume the full cost of provider point of service eligibility verification devices utilized by any and all participating dental care providers; provided further, that in consultation with the division of health care finance and policy, no rate increase shall be provided to existing medicaid provider rates without

taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that expenditures for the purposes of each item appropriated for the purpose of programs authorized by chapter 118E of the General Laws shall be accounted for according to such purpose on the Massachusetts management accounting and reporting system not more than 10 days after such expenditures have been made by the medicaid management information system; provided further, that no expenditures shall be made for the purpose of such programs that are not federally reimbursable, except as specifically authorized herein, or unless made for cost containment efforts the purposes and amounts of which have been submitted to the house and senate committees on ways and means 30 days prior to making such expenditures; provided further, that the executive office may continue to recover provider overpayments made in the current and prior fiscal years through the medicaid management information system, and that such recoveries shall be deemed current fiscal year expenditure refunds; provided further, that the executive office may collect directly from a liable third party any amounts paid to contracted providers under chapter 118E of the General Laws for which the executive office later discovers another third party is liable if no other course of recoupment is possible; provided further, that no funds shall be expended for the purpose of funding interpretive services directly or indirectly related to a settlement or resolution agreement, with the office of civil rights or any other office, group or entity; provided further, that interpretive services currently provided shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services; provided further, that the federal financial participation received from claims filed for the costs of outreach and eligibility activities performed at certain hospitals or by community health centers which are funded in whole or in part by federally permissible in-kind services or provider donations from the hospitals or health centers, shall be credited to this item and may be expended without further

appropriation in an amount specified in the agreement with each donating provider hospital or health center; provided further, that notwithstanding any general or special law to the contrary, the executive office shall require the commissioner of mental health to approve any prior authorization or other restriction on medication used to treat mental illness in accordance with written policies, procedures and regulations of the department of mental health; provided further, that notwithstanding section 1 of chapter 118G of the General Laws or any general or special law to the contrary, for fiscal year 2007 the definition of a "pediatric specialty unit" shall mean an acute care hospital with a burn center verified by the American Burn Center and the American College of Surgeons and a level 1 trauma center for pediatrics verified by the American College of Surgeons or a pediatric unit of an acute care hospital in which the ratio of licensed pediatric beds to total licensed hospital beds as of July 1, 1994, exceeded 0.20; provided further, that in calculating that ratio, licensed pediatric beds shall include the total of all pediatric service beds, and the total of all licensed hospital beds shall include the total of all licensed acute care hospital beds, consistent with Medicare's acute care hospital reimbursement methodology as put forth in the Provider Reimbursement Manual Part 1, Section 2405.3G; provided further, that a hospital with a unit designated as a pediatric specialty unit, or an acute care hospital with a burn center verified by the American Burn Center and the American College of Surgeons and a level 1 trauma center for pediatrics verified by the American College of Surgeons as defined in this item shall be exempt from the inpatient and outpatient efficiency standards being applied to their rate methodology; provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient services at acute care pediatric hospitals and pediatric subspecialty units as defined in section 1 of chapter 118G of the General Laws, the executive office shall make a supplemental payment, if necessary, sufficient to assure that inpatient SPAD and outlier payments for discharges with a case mix acuity greater than 5.0 shall be at least equal to 85 per cent of the expenses incurred in providing services to those children; provided further, that in determining the inpatient and outpatient acute hospital rates

of payment, the executive office and its contractors shall utilize a payment methodology so that rates of payment are not less than those in effect during fiscal year 2006; provided further, that said inpatient rates for acute hospitals shall also include outlier benefits which were in effect on January 1, 2003 for all MassHealth members; provided further, that in determining the inpatient and outpatient non-acute hospital rates of payment, the executive office and its contractors shall utilize a payment methodology so that rates of payment are not less than those in effect during fiscal year 2006; provided further, that said executive office shall not reduce the supplement to chronic disease and rehab hospitals administrative day rate below that which was granted during hospital fiscal year 2006; provided further, that said executive office, in fiscal year 2007, shall not eliminate payment to hospital outpatient departments for primary care provided to MassHealth members; provided further, that the executive office shall not reduce the outpatient rates for any specialty hospital which limits its admissions to patients under active diagnosis and treatment of the eyes, ears, nose, and throat, below that which was granted during hospital fiscal year 2005 provided further, that a new methodology shall be established for rates reimbursed by the commonwealth through the division of health care finance and policy and the executive office of health and human services to cover the cost of care provided by any health care facility licensed by the department of public health as a non-acute chronic hospital with no fewer than 500 licensed beds as of June 30, 2005, with no fewer than 150,000 Medicaid patient days in the state fiscal year ended June 30, 2006, and with an established geriatric teaching program for physicians, medical students, and other health professionals, as follows: (1) the rate for any such facility shall be developed collaboratively through an agreement among the office of Medicaid, the division of health care finance and policy, and any such health care facility; provided that the process for development of this rate shall include a mechanism to adjust the rate to account for costs outside the reasonable control of the facility that may arise after the rate has been established; (2) the reimbursement methodology shall incorporate the following

components: (a) utilization of the payment methodology in effect during fiscal year 2006 together with the most recent 403 cost report filed with the division of health care finance and policy, (b) a per diem rate shall be established which reimburses the full cost, including capital, for both acute and administratively necessary services, (c) a separate per diem rate shall be established which reimburses the full cost, including capital, for long term care services, (d) both rates shall include the full cost, not otherwise reimbursed, of teaching and research activities, and (e) rates shall be inflated over the base year period by the applicable medicare market basket inflation factors; (3) until such time as the new reimbursement methodology is established pursuant to this section, the per diem rates for any such facility shall be increased by at least 34 dollars per day for the year starting July 1, 2006, and by 5 percent annually for each subsequent year; provided that, notwithstanding this section or any contractual or other provision of law, such facility shall have the right to an increase to the rate then in effect to account for costs outside the reasonable control of such facility that may arise; and (4) notwithstanding any other provision of law, in no event will the rates of payment be lower than the highest rate in effect for such facility in the previous state fiscal year; provided further, that the secretary shall ensure that all medicaid benefit restorations, program expansions, and rate increases required pursuant to chapter 58 of the acts of 2006 are implemented in fiscal year 2007; provided further, that effective July 1, 2006, the executive office shall include smoking and tobacco use cessation treatment and information within MassHealth covered services pursuant to section 108 of chapter 58 of the acts of 2006; provided further, that the executive office shall develop a process whereby all participating providers who have signed the Virtual Gateway Services Agreement shall have access to the contents of the consolidated summary of any individual's application submitted through the virtual gateway; provided further, that said information access shall comply with all HIPPA requirements and state privacy laws; provided further, that with respect to section 6037 of the Deficit Reduction Act of 2005, the executive office shall refer applicants and recipients to the registrar of vital records and statistics to obtain a copy

of a birth certificate for the purpose of establishing eligibility for Medicaid at no cost to the recipient; provided further, that the executive office shall not, by amendment to the state plan or amendment to the section 1115 demonstration program, elect any state option to increase premiums and cost sharing or reduce benefits pursuant to sections 1916A and 1937 of the Social Security Act as amended by chapter 4 of Title VI of the Deficit Reduction Act of 2005, Pub. L. No. 109171 with respect to any category of persons eligible for medical benefits under chapter 118E as said chapter was in effect on January 1, 2006, unless the executive office has given 90 days notice to the Legislature and has received approval of the proposed plan from a majority of the Legislature; provided further, that not less than $2,662,000 shall be expended for a one time payment to Haverhill to defray the debt resulting from the operation of a former municipally owned hospital; provided further that the executive office shall expend not less than $150,000 for the purpose of identifying resources and establishing any interagency agreements within the secretariat, the departments or the commissions operating under the secretary for the purpose of opening access to an array of community based services for citizens with adult-onset disorders, including information and referral for services available to said population; provided further, that not later than September 1, 2006, the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing planned fiscal year 2007 expenditures by the executive office as funded by chargebacks to the 17 executive office cluster agencies; provided further, that no later than March 1, 2007, the executive office, in consultation with the division of health care finance and policy, shall submit a report evaluating the processes used to determine eligibility for Medicaid and free care services, including the Virtual Gateway; provided further, that the report shall include: (i) an analysis of the effectiveness of these processes in enforcing eligibility requirements for publicly funded health programs and in enrolling uninsured residents into programs of health insurance offered by public and private sources; (ii) an assessment of the impact of these processes on the level of free care by providers; and (iii) recommendations for ongoing improvements that will enhance the performance of eligibility

determination systems and reduce hospital administrative costs; and provided further, that any projection of deficiency in item 4000-0320, 4000-0430, 4000-0500, 4000-0600, 4000-0620, 4000-0700, 4000-0860, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0891, 4000-0895, 4000-0990, 4000-1400 or 4000-1405, shall be reported to the house and senate committees on ways and means not less than 90 days before the projected exhaustion of funding and that any unexpended balance in these accounts shall revert to the General Fund on June 30, 2007 ..... $137,095,096

4000-0320 The executive office may expend an amount not to exceed $225,000,000 from the monies received from recoveries of any current or prior year expenditures and collections from liens, estate recoveries, third party recoveries, drug rebates, accident and trauma recoveries, case mix recoveries, computer audits, insurance recoveries, provider overpayment recoveries, bankruptcy settlements, Masspro and Healthpro refunds, medicaid fraud returns, data match returns, Medicare appeals, and program and utilization review audits; provided, that additional categories of recoveries and collections, including the balance of any personal needs accounts collected from nursing and other medical institutions upon a recipient's death and held by the executive office for more than 3 years, may, notwithstanding any general or special law to the contrary, be credited to this item; provided further, that any revenues collected by the division that are not attributable to the aforementioned categories shall be deposited in the General Fund and shall be tracked separately; provided further, that additional categories of recoveries and collections may be credited to this item after providing written notice to the house and senate committees on ways and means; provided further, that no funds from this item shall be used for the purposes of item 4000-0300; provided further, that expenditures from this item shall be limited solely to payments for the provision of medical care and assistance rendered in the current fiscal year; and provided further, that the executive office shall file quarterly with the house and senate committees on ways and means, a report delineating the amount of current year rebates from pharmaceutical companies or other current year collections which are being used to supplement current year expenditures $225,000,000

4000-0352 For MassHealth enrollment outreach grants to public and private nonprofit groups to be administered by the executive office; provided, that the secretary shall report to the house and senate committees on ways and means on the exact amounts distributed in fiscal year 2007 by March 1, 2007 and the extent to which any portion of resulting expenditures are eligible for federal reimbursement $500,000

4000-0430 For the commonhealth program to provide primary and supplemental medical care and assistance to disabled adults and children under sections 9A, 16 and 16A of chapter 118E of the General Laws; provided, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that the executive office shall maximize federal reimbursement for state expenditures made on behalf of such adults and children; provided further, that children shall be determined eligible for the medical care and assistance if they meet the disability standards as defined by the executive office, which standards shall be no more restrictive than the standards in effect on July 1, 1996; and provided further, that the executive office shall process commonhealth applications within 45 days of receipt of a completed application or within 90 days if a determination of disability is required $68,169,435

4000-0500 For health care services provided to medical assistance recipients under the executive office's primary care clinician/mental health and substance abuse plan or through a health maintenance organization under contract with the executive office; provided, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; provided further, that the secretary of health and human services and the commissioner of mental health shall report quarterly to the house and senate committees on ways and means relative to the performance of the managed care organization under contract with the executive office to administer the mental health and substance abuse benefit; provided further, that such quarterly reports shall include, but

not be limited to, analyses of utilization trends, quality of care and costs across all service categories and modalities of care purchased from providers through the mental health and substance abuse program, including those services provided to clients of the department of mental health; provided further, that in conjunction with the new medicaid management information system project, said executive office shall continue to study the feasibility of modifying its claim payment system, in collaboration with the MassHealth behavioral health contractor, to routinely process for payment valid claims for medically necessary covered medical services to eligible recipients with psychiatric and substance abuse diagnoses on a timely basis in an effort to avoid delay and expenses incurred by lengthy appeals processes; provided further, that said secretary shall report to the house and senate committee on ways and means any proposed modifications to said payment system, and a timeline of steps to be taken to implement said modifications; provided further, that not less than $14,000,000 shall be expended for disproportionate share payments for inpatient services provided at pediatric specialty hospitals and units, including pediatric chronic and rehabilitation long-term care hospitals as allowable under federal law; provided further, that not less than $2,000,000 of said $14,000,000 shall be expended as a grant to said pediatric chronic and rehabilitation long-term care hospital for which federal financial participation and federal approval need not be obtained; provided further, that $11,700,000 shall be expended on disproportionate share payments to high public payer hospitals; provided further, that not less than $87,000,000 shall be expended to increase actuarially sound rates in addition to the fiscal year 2007 inflation trends, benefit restorations, and provider rate increase factors applied to the fiscal year 2006 rates pursuant to section 122 of chapter 58 of the acts of 2006; provided further, that the contracts referenced under section 122 of chapter 58 of the acts of 2006 shall be considered to be in effect on July 1, 2006; and provided further, that notwithstanding any general or special law to the contrary, the secretary of health and human services shall not reassign to a managed care plan under contract with the office of MassHealth the behavioral health benefit of any eligible person when the benefit is managed by MassHealth's

specialty behavioral health managed care contactor, after the benefit is elected by or initially assigned to that person, unless the person provides written or verbal consent to the reassignment $2,520,227,848

EXECUTIVE OFFICE OF ELDER AFFAIRS.

4000-0600 For health care services provided to medical assistance recipients under the executive office of elder affairs' senior care plan; provided, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that not less than $9,240,000 shall be expended for a demonstration project known as the 'community choices' initiative; provided further, that benefit for this demonstration project shall not be reduced below the services provided in fiscal year 2006; provided further, that the eligibility requirements for this demonstration project shall not be more restrictive than those established in fiscal year 2006; provided further, that the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing the projected costs and the number of individuals served by the "community choices" initiative in fiscal year 2007 delineated by the federal poverty level; provided further, that the report shall be submitted not later than February 1, 2007; provided further, that notwithstanding any general or special law to the contrary, the regulations, criteria and standards for determining admission to and continued stay in a nursing home in fiscal year 2007 shall not be more restrictive than those regulations, criteria and standards in effect on January 1, 2004 until the executive office of health and human services and the executive office of elder affairs submit a multi-year plan to the house and senate committees on ways and means and the joint committee on health care financing detailing the suggested timeline for phasing in changes to nursing home clinical criteria, provided that these changes shall not adversely affect current nursing home residents and shall not jeopardize the effectiveness of the 2176 home and community

based waiver; provided further, that notwithstanding any general or special law to the contrary, for any nursing home or non-acute chronic disease hospital that provides kosher food to its residents, the department, in consultation with the division, in recognition of the unique special innovative program status granted by the executive office, shall continue to make the standard payment rates established in fiscal year 2006 to reflect the high dietary costs incurred in providing kosher food; provided further, that the department shall, in correlation with the senior care options program, explore options for enrolling the senior care population into managed care programs through federal waivers or other necessary means; provided further, that the secretary of elder affairs may transfer not more than 3 per cent of funds appropriated in this item to item 4000-0620; provided further, that the executive office shall provide written notice to the house and senate committees on ways and means not less than 30 days prior to any transfer; provided further, that not less than $2,000,000 shall be expended for the purpose of a housing with services demonstration project known as the 'Caring Homes' initiative designed to delay or prevent nursing home placement by providing care-giving services to an elder; provided further, that under said demonstration project, eligible MassHealth enrollees shall be able to live in the home of an individual or relative, with the exception of spouses and dependent children, to provide for their long term supports, pursuant to regulations promulgated by said executive office; provided further, that the executive office of elder affairs shall make no change in the reimbursement system or operations of adult day health programs as they relate to transportation of program participants, except that the executive office may grant periodic rate increases, as appropriate, for transportation services and provided further, that effective July 1, 2006 for the fiscal year ending June 30, 2007, nursing facility MassHealth rates established by the Division of Health Care Finance and Policy shall be adjusted by no less than $30,500,000 above the payments made to nursing facilities for the fiscal year ended June 30, 2006 for the purpose of funding inflationary costs $1,726,309,136

4000-0620 For the senior care options program; provided, that the secretary of elder affairs may transfer not more than 15 per cent of funds appropriated in this item to item 4000-0600; and provided further, that the department shall provide written notice to the house and senate committees on ways and means not less than 30 days prior to any transfer $83,872,908

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

4000-0625 For the recruitment and retention of home health workers in accordance with 114.3 CMR 50.00, including the cost of workforce training, direct wages and benefits of the workers; provided, that the funds authorized herein shall be in addition to any amounts appropriated in this item for the purpose of providing Title XIX services to patients; and provided further, that the funds authorized herein shall be eligible for federal financial participation $4,000,000

4000-0700 For health care services provided to medical assistance recipients under the executive office's health care indemnity/ third party liability plan and medical assistance recipients not otherwise covered under the executive office's managed care or senior care plans; provided, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that expenditures from this item shall be made only for the purposes expressly stated in this item; provided further, that notwithstanding the foregoing, funds may be expended from this item for the purchase of third party insurance including, but not limited to, Medicare for any medical assistance recipient including, but not limited to, seniors; provided further, that funds may be expended from this item for activities relating to disability determinations or utilization management and review, including patient screenings and evaluations, regardless of whether such activities are performed by a state agency, contractor, agent or provider; and provided further, that the executive office shall submit a report to the executive office of administration and finance and the house and senate committees on ways and means not later than March 1, 2007

detailing the activities described in the preceding proviso to be expended from this item during fiscal year 2007; and provided further, that not less than $10,000,000 shall be expended to pay for an increase in Medicaid rates for community health centers, as defined in section 1 of chapter 118G of the General Laws $1,538,637,750

4000-0860 For MassHealth benefits provided to children and adults under clauses (a), (b), (c), (d) and (h) of subsection (2) of section 9A of chapter 118E of the General Laws; provided, that no funds shall be expended from this item for children and adolescents under clause (c) of said subsection (2) of said section 9A of said chapter 118E whose family incomes, as determined by the executive office, exceeds 150 per cent of the federal poverty level; provided, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years $407,253,047

4000-0870 For health care services provided to adults participating in the medical assistance program pursuant to clause (g) of subsection (2) of section 9A of chapter 118E of the General Laws; provided, that funds may be expended from this item for health care services provided to such recipients in prior fiscal years $98,206,928

4000-0875 For the provision of benefits to eligible women who require medical treatment for either breast or cervical cancer in accordance with 1902(a)(10)(A)(ii)(XVIII) of the Breast and Cervical Cancer Prevention and Treatment Act of 2000, Public Law 106-354, and in accordance with section 10D of chapter 118E of the General Laws; provided, that the executive office shall provide benefits to women whose income, as determined by the executive office, does not exceed 250 per cent of the federal poverty level, subject to continued federal approval; provided further, that eligibility for such benefits shall be extended solely for the duration of such cancerous condition; provided further, that prior to the provision of any benefits covered by this item, the executive office shall require screening for either breast or cervical cancer at the comprehensive breast and cervical cancer early detection program operated by the department of public health, in accordance with item 4570-1512 of section 2D; provided further, that the executive office shall continue to seek federal

approval for the implementation of a cost sharing system, including co-payments and sliding scale premiums for women whose annual income is between 133 per cent and 250 per cent of the federal poverty level; and provided further, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years $3,951,303

4000-0880 For MassHealth benefits under clause (c) of subsection (2) of section 9A and section 16C of chapter 118E of the General Laws as amended by chapter 58 of the acts of 2006 for children and adolescents whose family incomes as determined by the executive office are above 150 per cent of the federal poverty level; provided, that funds may be expended from this item for health care services provided to the children and adolescents in prior fiscal years; and provided further, that children who have aged out of the custody of the department of social services shall be eligible for these benefits until they reach age 20, subject to federal approval $100,095,712

4000-0890 For the cost of health insurance premium subsidies paid to employees of small businesses participating in the insurance reimbursement program under section 9C of chapter 118E of the General Laws, as amended by chapter 58 of the acts of 2006 ..... $45,011,915

4000-0891 For the cost of health insurance subsidies paid to employers participating in the insurance reimbursement program under section 9C of chapter 118E of the General Laws; provided, that the executive office shall directly market the program to private human service providers that deliver human and social services under contract with departments within the executive office and the executive office of elder affairs for the purpose of mitigating health insurance costs to the employers and their employees; provided further, that the executive office of health and human services shall report quarterly to the house and senate committees on ways and means and the executive office of administration and finance monthly expenditure data for the program, including the total number of employers participating in the program, the percentage of the employers who purchased health insurance for employees prior to participating in the program and total monthly expenditures delineated by payments to small employers and self-employed persons for individual, 2-person family and family subsidies;

provided further, that the executive office of health and human services shall seek federal reimbursement for the payments to employers $6,996,069

4000-0895 For the healthy start program to provide medical care and assistance to pregnant women and infants residing in the commonwealth pursuant to section 10E of chapter 118E of the General Laws; provided, that the executive office shall no later than February 14, 2007, report annually to the house and senate committees on ways and means on the population served by the program delineated by the federal poverty level; and provided further, that funds may be expended from this item for health care services provided to these persons in prior fiscal years $15,969,177

4000-0990 For the children's medical security plan to provide primary and preventive health services for uninsured children from birth through age 18; provided, that the executive office shall prescreen enrollees and applicants for medicaid eligibility; provided further, that no applicant shall be enrolled in the program until the applicant has been denied eligibility for the MassHealth program; provided further, that the MassHealth benefit request shall be used as a joint application to determine the eligibility for both MassHealth and the children's medical security plan; provided further, that the executive office shall maximize federal reimbursements for state expenditures made on behalf of the children; provided further, that the executive office shall expend all necessary funds from this item to ensure the provision of the maximum benefit levels for this program, as authorized by section 10F of chapter 118E of the General Laws; provided further, that the maximum benefit levels for this program shall be made available only to those children who have been determined by the executive office to be ineligible for MassHealth benefits; provided further, that notwithstanding subsection (d) of section 10F of chapter 118E of the General Laws, or any general or special law to the contrary, premiums for this program shall be collected according to the following eligibility categories: (1) enrollees in households earning less than 200 per cent of the federal poverty level shall not be responsible for contributing to program premium costs; (2) enrollees in households earning between 200 per cent and 300

per cent of the federal poverty level, inclusive, shall contribute not less than 20 per cent and not more than 30 per cent of the monthly premium cost according to a sliding scale established by the executive office; provided further, that additional contributions shall not be required for any enrollee after the third enrollee in such a household; (3) enrollees in households earning between 301 per cent and 400 percent of the federal poverty level, inclusive, shall contribute not less than 85 per cent and not more than 90 per cent of the monthly premium cost according to a sliding scale established by the executive office; provided, that additional contributions shall not be required for any enrollee after the first enrollee in such a household; and (4) enrollees in households earning more than 400 per cent of the federal poverty level shall pay not more than the full premium cost of the program; and provided further, that funds may be expended from this item for health care services provided to these persons in prior fiscal years . . $18,232,293

4000-1400 For the purposes of providing MassHealth benefits to persons with a diagnosis of human immunodeficiency virus with incomes up to 200 per cent of the federal poverty level; provided, that funds may be expended from this item for health care services provided to these persons in prior fiscal years $13,047,887

4000-1405 For the operation of a program of preventive and primary care for chronically unemployed persons who are not receiving unemployment insurance benefits and who are not eligible for medical assistance but who are determined by the executive office of health and human services to be long-term unemployed; provided, that such persons shall meet the eligibility requirements established under the MassHealth program as established in section 9A of chapter 118E of the General Laws; provided further, that persons eligible under subsection (7) of section 16D of chapter 118E shall be also eligible to receive benefits under this item; provided further, that the income of such persons shall not exceed 100 per cent of the federal poverty level; provided further, that said eligibility requirements shall not exclude from eligibility persons who are employed intermittently or on a non-regular basis; provided further, that the provision of care to such persons under this program may, taking into account capacity, continuity of care,

and geographic considerations, be restricted to certain providers; provided further, that the secretary is hereby authorized to limit or close enrollment if necessary in order to ensure that expenditures from this item do not exceed the amount appropriated herein; provided, however, that no such limitation shall be implemented unless the secretary has given 90 days notice to the house and senate committees on ways and means and the joint committee on health care financing; and provided further, that funds may be expended from this item for health care services provided to recipients in prior fiscal years $306,041,312

4000-1420 For the purposes of making payment to the federal Centers for Medicare and Medicaid Services in compliance with Title XIX of the Social Security Act, as amended by the Medicare Prescription Drug Improvement and Modernization Act of 2003 ..... $238,900,000

4003-0122 For a Citizenship for New Americans Program to assist legal permanent residents in our Commonwealth in becoming citizens of the United States; provided, that the office for refugees and immigrants be charged with administering such program; provided further, that said program shall be provided through community based organizations to the maximum extent possible as determined by the office for refugees and immigrants; provided further, that the program funded by this item provide assistance to persons who are within 3 years of eligibility to become citizens of the United States; and provided further, that services shall be designed to include: ESOL /civics classes, citizenship application assistance, interview preparation and support services such as inter-pretation and referral services $500,000

Division Of Health Care Finance And Policy.

4100-0060 For the operation of the division and the administration of the uncompensated care pool established pursuant to chapter 118G of the General Laws; provided, that notwithstanding any general or special law to the contrary, the assessment to acute hospitals authorized pursuant to section 5 of said chapter 118G for the estimated expenses of the division shall include in fiscal year 2007, the estimated expenses, including indirect costs, of the division and shall be equal to the amount

appropriated in this item less amounts projected to be collected in fiscal year 2007 from: (1) filing fees; (2) fees and charges generated by the division's publication or dissemination of reports and information; and (3) federal financial participation received as reimbursement for the division's administrative costs; provided further, that the assessed amount shall not be less than 65 per cent of the division's expenses as specified in this item; provided further, that the division shall promulgate regulations requiring all hospitals receiving payments from the uncompensated care pool to report to the division the following utilization information: the number of inpatient admissions and outpatient visits by age category, income category, diagnostic category and average charge per admission; provided further, that the division shall submit quarterly to the house and senate committees on ways and means a summary report compiling said data; provided further, that the division, in consultation with the executive office of health and human services, shall not promulgate any increase in medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act or any successor federal statute to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that the division shall meet the reporting requirements of section 25 of chapter 203 of the acts of 1996; provided further, that notwithstanding any general or special law to the contrary, the division, in conjunction with the executive office of elder affairs and the executive office of health and human services shall, by August 1, 2006 for all non-acute chronic and rehabilitation hospitals, adopt and implement, for the rate year effective October 1, 2006 a Medicaid rate reimbursement methodology, that utilizes a hospital base year of either 2002 or 2003; provided further, that in calculating the Medicaid rate of reimbursement for such hospitals, such reimbursement shall exclude any costs associated with any beds licensed by the department of mental health; provided further, that funds may be expended for the purposes of a survey and study of the uninsured and underinsured in the commonwealth, including

the health insurance needs of the residents of the commonwealth; provided further, that said study shall examine the overall impact of programs administered by the executive office of health and human services on the uninsured, the underinsured, and the role of employers in assisting their employees in affording health insurance pursuant to section 23 of chapter 118G of the General Laws; provided further, that the division shall publish annual reports on the financial condition of hospitals and other health care providers through the Health Benchmarks project website, in collaboration with the executive office of health and human services, the office of the attorney general, and the University of Massachusetts; provided further, that the division shall submit to the house and senate committees on ways and means not later than December 6, 2006 a report detailing utilization of the uncompensated care pool; provided further, that the report shall include: (1) the number of persons in the commonwealth whose medical expenses were billed to the pool in fiscal year 2006; (2) the total dollar amount billed to the pool in fiscal year 2006; (3) the demographics of the population using the pool and (4) the types of services paid for out of the pool funds in fiscal year 2006; provided further, that the division shall include in the report an analysis on hospitals' responsiveness to enrolling eligible individuals into the MassHealth program upon the date of service rather than charging said individuals to the uncompensated care pool; provided further, that the division shall include in the report possible disincentives the state could provide to hospitals to discourage such behavior; provided further, that notwithstanding any general or special law or rule or regulation to the contrary, the division shall not allow any exceptions to the usual and customary charge defining rule as defined in 114.3 CMR 31.02, for the purposes of drug cost reimbursement to eligible pharmacy providers for publicly aided and industrial accident patients; provided further, that the division is hereby authorized to change the pricing standard used by said division when determining the rate of payment to pharmacy providers for prescribed drugs for publicly-aided or industrial accident patients if such a change would financially benefit the commonwealth; provided further, that notwithstanding any general or special law to the contrary said division shall

maintain the rate paid for the dispensing fees to retail pharmacies for prescribed drugs to publicly aided or industrial accident patients at $3 in fiscal year 2007; and provided further, that said division shall not use any funds appropriated from the Health Care Quality Improvement Trust Fund for operating costs, including rent and utilities $12,836,110

Massachusetts Commission for the Blind.

4110-0001 For the office of the commissioner; provided, that the commissioner may transfer funds between items 4110-0001, 4110-1000, 4110-1010, 4110-1020, 4110-2000, 4110-2001, 4110-3010 and 4110-4000; provided further, that the amount transferred from any of the items stated in this item shall not exceed 5 per cent of the total amount appropriated for that item; provided further, that 30 days before any such transfer, the commissioner shall submit an allocation plan detailing the distribution of the funds to be transferred to the house and senate committees on ways and means; and provided further, that amounts appropriated to the commission in fiscal year 2007 that extend or expand services beyond the level of services provided in fiscal year 2006 shall not annualize above those amounts in fiscal year 2008 ..... $1,121,558

4110-1000 For the community services program; provided, that the Massachusetts commission for the blind shall work in collaboration with the Massachusetts commission for the deaf and hard of hearing to provide assistance and services to the deaf-blind community through the deaf-blind community access network; and provided further, that not less than $450,000 shall be expended for the deaf-blind community access network; provided further, that not less than $500,000 shall be expended for the talking information center, and provided further, that not less than $10,000 shall be expended for the Audible Local Ledger of Falmouth $4,367,118

4110-1010 For aid to the adult blind; provided, that funds may be expended from this item for burial expenses incurred in the prior fiscal year $8,351,643

4110-1020 For eligibility determination for the medical assistance program for the blind; provided, that the commission shall work with the executive office of health and human services, the department of mental retardation and other state agencies to

maximize federal reimbursement for clients so determined through this item including, but not limited to, reimbursement for home and community-based waiver clients $324,995

4110-2000 For the turning 22 program of the commission; provided, that the commission shall work in conjunction with the department of mental retardation to secure the maximum amount of federal reimbursements available for the care of turning 22 clients; and provided further, that the commission shall work in conjunction with the department of mental retardation to secure similar rates for contracted residential services $9,241,267

4110-2001 For services to clients of the department who turn 22 years of age during state fiscal year 2007; provided, that the amount spent from this item shall not annualize to more than $530,000 in fiscal year 2008; provided further, that the commission shall work in conjunction with the department of mental retardation to secure the maximum amount of federal reimbursements available for the care of turning 22 clients; and provided further, that the commission shall work in conjunction with the department of mental retardation to secure similar rates for contracted residential services $330,000

4110-3010 For a program of vocational rehabilitation for the blind in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grants or state appropriation shall be deducted for pensions, group health and life insurance, or any other such indirect cost of federally reimbursed state employees; and provided further, that $154,000 shall be expended on the Carroll Center for the Blind $2,865,326

4110-4000 For the administration of the Ferguson Industries for the Blind; provided, that retired workshop employees shall receive grants equal to ¾ of the salaries of current workshop employees; and provided further, that any funds received for goods and services purchased by private and public sector entities at Ferguson Industries shall be remitted to the General Fund $1,895,410

Massachusetts Rehabilitation Commission

4120-1000 For the operation of the commission; provided, that the commissioner may transfer funds between items 4120-1000, 4120-2000, 4120-3000, 4120-4000, 4120-4001, 4120-4010, 4120-5000, and 4120-6000; provided further, that the amount

transferred from any of the items stated in this item shall not exceed 5 per cent of the total amount appropriated for that item; provided further, that 30 days before any such transfer, the commissioner shall submit an allocation plan to the house and senate committees on ways and means detailing the distribution of the funds to be transferred; provided further, that amounts appropriated to the commission that extend or expand services beyond the level of services provided in fiscal year 2006 shall not annualize above those amounts in fiscal year 2008; provided further, that the commissioner shall report quarterly to the house and senate committees on ways and means and the secretary of administration and finance on the number of clients served and the amount expended on each type of service; provided further, that upon the written request of the commissioner of revenue, the commission shall provide lists of individual clients to whom or on behalf of whom payments have been made for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in the programs administered by the commission; and provided further, that the lists shall include client names and social security numbers and payee names and other identification, if different from a client's $579,515

4120-2000 For vocational rehabilitation services operated in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance and any other such indirect cost of the federally-reimbursed state employees; provided further, that the commissioner, in making referrals to service providers, shall take into account the client's place of residence and the geographic proximity of the nearest provider to the residence $7,326,911

4120-3000 For employment assistance services; provided, that vocational evaluation and employment services for severely disabled adults may, subject to appropriation, be provided; provided further, that not less than $200,000 shall be expended for waitlist reduction for the community based employment program; provided further, that not less than $100,000 shall be expended for the Charlestown Navy Yard Project for disabled adults in the Charlestown neighborhood of Boston; and

provided further, that not less than $200,000 shall be expended on special projects in the Charlestown neighborhood of Boston for people with disabilities; and provided further, that not less than $100,000 shall be expended for services provided by the Life Focus Center in the Charles–town neighborhood of Boston $8,463,481

4120-4000 For independent living assistance service; provided, that not less than $949,295 shall be expended for assistive technology devices and training for individuals with severe disabilities; provided further, that $3,840,000 shall be expended for the independent living centers contracted with the commission; and provided further, that not less than $200,000 shall be expended for the SHARE Foundation at the University of Massachusetts at Dartmouth:-provided further, that not less than $100,000 shall be expended for the Joseph F. Timilty Adult Day Health and Memory Loss Center; and provided further, that not less that $25,000 will be used to assist the Living Independently for Equality, Inc. of Brockton $10,597,486

4120-4001 For the housing registry for the disabled $83,754

4120-4010 For services to clients of the department who turn 22 years of age; provided, that the amount appropriated in this item shall not annualize to more than $1,498,290 in state fiscal year 2008 ..... $749,145

4120-5000 For homemaking services $5,533,355

4120-5050 The Massachusetts rehabilitation commission may expend not more than $330,000 in revenues for expanded independent living and employment services from federal reimbursements received for services provided by the commission; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate reported in the state accounting system $330,000

4120-6000 For head injured services; provided, that the commission shall work with the executive office of health and human services to maximize federal reimbursement for clients receiving head injured services; provided further, that the commission shall expend funds on a 24-hour basis for persons with severe head injuries in western Massachusetts; provided further, that not less than $100,000 shall be expended for the Cape Cod head

injury program; and provided further, that not less than $75,000 shall be expended on the Keeping Every Youth Safe program at the Massachusetts Brain Injury Association $9,046,110

Massachusetts Commission for the Deaf and Hard of Hearing.

4125-0100 For the operation of and services provided by the Massachusetts commission for the deaf and hard of hearing $5,539,165

4125-0101 For the Massachusetts commission for the deaf and hard of hearing; provided, that the commission may expend not more than $175,000 in revenues from charges received on behalf of interpreter services and monies received from private grants, bequests, gifts or contributions; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $175,000

4125-0102 For the costs associated with the provision of interpreter services for the deaf and hard of hearing at State House public hearings and events $12,000

Soldiers' Home in Massachusetts.

4180-0100 For the maintenance and operation of the Soldiers' Home in Massachusetts located in the city of Chelsea, including a specialized unit for the treatment of Alzheimer's disease patients; provided, that graduates from the LPN school of nursing shall work in state-operated facilities for at least 1 year; provided further, that no fee, assessment or other charge shall be imposed upon or required of any person for any outpatient treatment, admission or hospitalization which exceeds the amount of fees charged in fiscal year 2006; and provided further, that no new fee, assessment or other charge shall be implemented in fiscal year 2007 except those associated with the use of telephones and televisions $24,416,752

4180-0200 The Soldier's Home in Massachusetts may expend not more than $25,000 from fees collected from veterans in its care for the purposes of providing television and telephone services to residents; provided, that fees from the use of telephones and televisions shall only be expended for payments to vendors for said services $25,000

4180-1100 The Soldiers' Home in Massachusetts may expend not more than $300,661 in revenues for facility maintenance and patient care, including personnel costs; provided, that 60 per cent of all revenues generated pursuant to section 2 of chapter 90 of the General Laws through the purchase of license plates with the designation VETERAN by eligible veterans of the commonwealth, upon compensating the registry of motor vehicles for the cost associated with the license plates, shall be deposited into and for the purposes of this retained revenue account of the Soldiers' Home; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the Soldiers' Home may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued $300,661

Soldiers' Home in Holyoke.

4190-0100 For the maintenance and operation of the Soldiers' Home in Holyoke, including the adult day care program, the Maguder House and the Chapin Mansion; provided, that no fee, assessment or other charge shall be imposed upon or required of any person for any outpatient treatment, admission or hospitalization which exceeds the amount of fees charged in fiscal year 2006; provided further, that no new fee, assessment or other charge shall be implemented in fiscal year 2007 except those associated with the use of telephones and televisions; and provided further, that in the operation of the outpatient pharmacy, the Soldiers' Home shall cover the cost of drugs prescribed at the Soldiers' Home, excluding the required co-payment, only when the veteran has no access to other drug insurance coverage, including coverage through the program authorized by section 39 of chapter 19A of the General Laws $18,531,625

4190-0102 The Soldiers' Home in Holyoke may expend for the outpatient pharmacy program an amount not to exceed $225,000 from co-payments which it may charge to users of the program; provided, that no co-payments shall be imposed or required of any person which exceed the level of co-payments charged in

fiscal year 2006; provided further, that no funds appropriated in this item shall be expended until the superintendent has submitted a report to the secretary and the house and senate committees on ways and means detailing projected expenditures for fiscal years 2007 and 2008 and any and all assumptions used to project outpatient pharmacy spending for the outpatient pharmacy program from this item and item 4190-0100 by September 1, 2006; provided further, that said superintendent shall submit a report to said secretary and the house and senate committees on ways and means that shall include, but not be limited to, demographic information on said outpatient pharmacy users, including age and insurance status, utilization information for the outpatient pharmacy, including the number of generic prescriptions filled, the number of brand name prescriptions filled, the number of 30-day supplies of generic drugs dispensed, the number of 30-day supplies of brand name drugs dispensed, and a description of said Soldiers' Home 's drug utilization review program for the first 2 quarters of fiscal year 2007; provided further, that said report shall be submitted not later than January 16, 2007; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the Soldiers' home may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $225,000

4190-0200 The Soldier's Home in Holyoke may expend not more than $25,000 from fees collected from veterans in its care for the purposes of providing television and telephone services to residents; provided, that fees from the use of telephones and televisions shall only be expended for payments to vendors for said services $25,000

4190-1100 The Soldiers' Home in Holyoke may expend not more than $200,442 for facility maintenance and patient care, including personnel costs; provided, that 40 per cent of all revenues generated pursuant to section 2 of chapter 90 of the General Laws through the purchase of license plates with the designation VETERAN by eligible veterans of the commonwealth,

upon compensating the registry of motor vehicles for the cost associated with the license plates, shall be deposited into and for the purposes of this retained revenue account of the Soldiers' Home; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the Soldiers' Home may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued $200,442

OFFICE OF CHILDREN, YOUTH AND FAMILY SERVICES.

Department of Youth Services.

4200-0010 For the administration of the department of youth services; provided, that the department shall continue to collaborate with the department of education in order to align curriculum at the department of youth services with the statewide curriculum frameworks and to ease the reintegration of youth from facilities at the department of youth services into regular public school settings; provided further, that the department shall continue to execute phase 2 of its education funding initiative; provided further, that the commissioner of youth services, in conjunction with the department of education, shall submit a report on progress made during phase 2, and projected needs for phase 3 in fiscal year 2008, to the house and senate committees on ways and means by December 1, 2006; provided further, that the department shall expend not more than $300,000 on the juvenile case management system; and provided further, that $50,000 shall be expended for the City-Wide Dialogues on Boston's Ethnic & Racial Diversity, a program that provides a safe venue for honest, respectful discussions across racial and ethnic lines, including neighborhood diversity dialogues and youth police dialogues $5,456,208

4200-0100 For supervision, counseling and other community-based services provided to committed youths in nonresidential care programs of the department; provided, that not less than $300,000 shall be expended to provide career services to youth in the department's care; provided further, that not less than $537,256 shall be expended for the restoration of the Northeast Region;

provided further, that not less than $400,000 shall be expended for the Boston juvenile re-entry program; provided further, that the commissioner may transfer up to 7 per cent of the amount appropriated in this item to items 4200-0200 and 4200-0300; and provided further, that 30 days before any such transfer is made, the commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer $23,441,647

4200-0200 For pretrial detention programs, including purchase-of-service and state-operated programs; provided, that the commissioner may transfer up to 7 per cent of the amount appropriated herein to items 4200-0100 and 4200-0300; and provided further, that 30 days before any transfer is made, the commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer $19,922,603

4200-0300 For secure facilities, including purchase-of-service and state-operated programs incidental to the operations of the facilities; provided, that funds shall be expended for programs to address the needs of the female population including, but not limited to, the development of a stabilization unit and an independent living program, the enhancement of clinical services and at least 1 full-time female services coordinator; provided further, that funds shall be expended to address suicide prevention including, but not limited to, increased clinical capacity, increased clinical staff for risk assessment at intake, improved medication administration, enhanced psychiatric coverage at facilities, and the assurance of a 24-hour area-based on-call staff; provided further, that not less than $1,250,000 shall be expended for the homeward bound program in the town of Brewster; provided further, that not less than $600,000 shall be expended on vocational training in order to reduce recidivism; provided further, that the commissioner may transfer up to 5 per cent of the amount appropriated in this item to items 4200-0100 and 4200-0200; and provided further, that 30 days before any such transfer is made, the commissioner shall file with the secretary of administration and finance and the house and senate committees on

ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer $105,423,021

4200-0500 For the department of youth services' education system; provided, that not less than $2,550,000 shall be expended to address the salaries of teachers $3,300,000

OFFICE OF CHILDREN, YOUTH AND FAMILY SERVICES.

Department Of Transitional Assistance.

4400-1000 For the central administration of the department, including the development and maintenance of automated data processing systems and services in support of department operations, and for the administration of department programs in local transitional assistance offices, including the expenses of operating a food stamp program; provided, that during fiscal year 2007 the department shall maintain 2 transitional assistance offices in the city of Springfield; provided further, that all costs associated with verifying disability for all programs of the department shall be paid from this item; provided further, that the department shall submit on a monthly basis to the house and senate committees on ways and means and the secretary of administration and finance a status report on program expenditures, savings and revenues, error rate measurements, and public assistance caseloads and benefits; provided further, that the report shall comprehensively track statewide use of the emergency assistance program by eligibility category including, but not limited to, caseload, average length of use or stay and monthly expenditures; provided further, that the department shall collect all out-of-court settlement restitution payments; provided further, that the restitution payments shall include, but not be limited to, installment and lump sum payments; provided further, that notwithstanding any general or special law to the contrary, unless otherwise expressly provided, federal reimbursements received for the purposes of the department, including reimbursements for administrative, fringe and overhead costs, for the current fiscal year and prior fiscal years, shall be credited to the General Fund; provided further, that under 21 U.S.C. section 862a(d)(1), the department shall exempt individuals from the eligibility restrictions of 21 U.S.C. section 862a, except that individuals

incarcerated for a conviction which would otherwise be disqualifying under 21 U.S.C. section 862a(a) shall not be eligible for cash assistance funded through item 4403-2000 during the first 12 months after release from a correctional institution unless the individual qualifies for an exemption under subsection (e) of section 110 of chapter 5 of the acts of 1995, or any successor statute, or a domestic violence waiver; provided further, that an application for assistance under chapter 118 of the General Laws shall be deemed an application for assistance under chapter 118E of the General Laws; provided further, that if assistance under said chapter 118 is denied, the application shall be transmitted by the department to the executive office of health and human services for a determination of eligibility under said chapter 118E; provided further, that the department shall continue policies to increase participation in the food stamp program; provided further, that no funds may not be expended from this item for costs related to the homeless management information system; provided further, that the department may allocate funds, not to exceed $2,500,000 from this item to item 4400-1100 for the costs of the department's caseworkers; provided further, that the department shall, to the extent feasible within the appropriation provided, provide for extended office hours; provided further, that the department shall accomplish the staffing of these extended office hours to the maximum extent possible through the use of flex-time that will allow workers to modify their working hours to accommodate their specific personal and family needs; provided further, that the department shall, to the extent feasible within the appropriation provided, continue and expand the program of placing workers at community and human service organizations for the purposes of facilitating food stamp applications and redeterminations; and provided further, that the department shall report to the house and senate committees on ways and means not later than December 15, 2006 on the extended office hours and placement of workers at community and human service organizations that the department has determined is feasible within the appropriation provided and that the department will provide in the current fiscal year; provided further, that a full-scale DTA

office may remain in Cambridge or Somerville in a location that is accessible by public transportation; and provided further, that said office shall be located by the department with due consideration to comparable size, space and rental agreement $66,220,503

4400-1001 For programs to increase the commonwealth's participation rate in food stamps and other federal nutrition programs; provided, that not less than $1,500,000 shall be expended for a grant with Project Bread-The Walk for Hunger, Inc., which shall be solely responsible for administering a comprehensive, community-based program to alleviate and prevent hunger and to expand participation in federal nutrition programs; provided further, that Project Bread shall focus on communities in Massachusetts with the highest rates of hunger as defined by the United States Census Bureau; provided further, that Project Bread shall develop a strategic plan to alleviate hunger; provided further, that Project Bread shall support research relative to the prevention and effect of hunger; provided further, that Project Bread shall file a report with the clerk of the house of representatives, the clerk of the senate, the president of the senate, the speaker of the house, the chairs of the joint committee on education, the chairs of the joint committee on children and families, the chairs of the joint committee on public health, commissioner of the department of transitional assistance, and the chairs of the house and senate committees on ways and means not later than March 1, 2007 detailing hunger prevention strategies that have been developed and implemented, including, but not limited to, an evaluation of said strategies; and provided further, that Project Bread shall file with the clerk of the house of representatives and the clerk of the senate an annual report on the status of hunger in the commonwealth not later than December 1, 2006; provided further, that the department shall expend $700,000 to establish a unit staffed by department employees to respond to food stamp inquiries, and arrange for and conduct telephone interviews for initial food stamp applications; provided further, that the department shall expend $700,000 to develop a system to image and catalogue eligibility documents electronically; provided further, that not less than $350,000 shall be expended for food stamp outreach; provided further, that not less than $250,000 shall

be expended for the Food Source Hotline; provided further, that the work of department employees paid for from this item shall be restricted to processing food stamp applications; provided further, that the department shall not require food stamp applicants to provide re-verification of eligibility factors previously verified and not subject to change; provided further, that, notwithstanding any general or special law to the contrary, the department shall require only 1 signature from food stamp applicants; and provided further, that the department shall report to the house and senate committees on ways and means not later than December 1, 2006 on the progress of implementing these programs $3,520,000

4400-1025 For domestic violence specialists at local area offices $666,315

4400-1079 For the operation of the homeless management information system; provided, that during fiscal year 2007 the department shall submit quarterly to the house and senate committees on ways and means a status report detailing the specific implementation of the system, the number of shelters participating by month, the types and descriptions of information reports able to be generated, and any other information that the department determines to be necessary in evaluating the full and complete implementation of the system; and provided further, that the report shall also detail all expenditures by object class $1,000,000

4400-1100 For the payroll of the department's caseworkers; provided, that only employees of bargaining unit eight shall be paid from this item; provided further, that not less than $1,000,000 shall be expended to hire additional non-public assistance case-workers to process food stamp applications; and provided further, that the department may allocate funds, not to exceed $1,000,000 from this item to item 4400-1000 for the administrative costs of the department of transitional assistance $56,693,172

4401-1000 For a program to provide employment and training services for recipients of benefits provided under the program of transitional aid to families with dependent children; provided, that certain parents who have not yet reached the age of 18, including those who are ineligible for transitional aid to families with dependent children and who would qualify for benefits under chapter 118 of the General Laws but for the deeming of the grandparents' income, shall be allowed to par-

ticipate in the employment services program; provided further, that funds from this item may be expended on former recipients of the program for up to 1 year after termination of their benefits due to employment or subsection (f) of section 110 of chapter 5 of the acts of 1995 or any successor statue; provided further, that funds from this item shall be expended for the purposes of the young parents program, transportation costs, pre-employment skills training and education programs, and structured subsidized employment services; provided further, that the department of transitional assistance may use funds from this item and shall collaborate with the department of workforce development to access funding through Title I of the federal Workforce Investment Act to ensure that sufficient resources are available to provide substantive, pre-employment skills training, including training that integrates basic education and English as a second language instruction, to recipients of transitional aid to families with dependent children who are in need of such services; provided further, that funds from this item may also be expended for re-employment services, job search assistance, vocational training services, job retention services, adult basic education, graduate equivalency degree courses, English as a second language courses and training programs for persons with limited English proficiency, and emergency work-related expenses for recipients, including emergency transportation costs; provided further, that the department shall inform all recipients and applicants of the full range of programs and of skills training programs funded by Title I of the federal Workforce Investment Act accessible through the one-stop career centers and adult education programs funded by the department of education available under this program; provided further, that funds may be allocated from this item to other agencies for the purposes of this program; provided further, that within 90 days of a recipient without a high school degree or a graduate equivalency degree or proficiency in English who is subject to said subsection (f) of said section 110 of said chapter 5, or any successor statute, becoming eligible for benefits, the department shall offer to the recipient a skills assessment to identify barriers to employment; and provided further, that in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise

to any enforceable right or entitlement to services in excess of the amounts appropriated by this item $27,087,733

4401-1100 The department of transitional assistance may expend not more than $3,000,000 from revenue received from the United States Department of Agriculture for food stamp outreach and employment and training programs and any enhanced funding or bonuses; provided, that the department may expend such revenue for employment and training services provided to recipients of transitional aid to families with dependent children $5,000,000

4403-2000 For a program of transitional aid to families with dependent children; provided, that notwithstanding any general or special law to the contrary, benefits under the program of transitional aid to families with dependent children shall be paid only to citizens of the United States and to non-citizens for whom federal funds may be used to provide benefits; provided further, that notwithstanding any general or special law, or any provisions of this act to the contrary, no benefits under this item shall be made available to illegal or undocumented aliens; provided further, that the need standard shall be equal to the standard in effect in fiscal year 2006; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under the provisions of subsection (e) of section 110 of chapter 5 of the acts of 1995, or any successor statute, shall be 2 ¾ per cent below the otherwise applicable payment standard, in fiscal year 2007, pursuant to the state plan required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided further, that the department shall notify all teen parents receiving benefits from the program of the requirements found in clause (2) of subsection (i) of said section 110 of said chapter 5, or any successor statute; provided further, that a $40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that a nonrecurring children's clothing allowance in the amount of $150 shall be provided to each child eligible under this program in September 2006; provided further, that the children's clothing

allowance shall be included in the standard of need for the month of September 2006; provided further, that benefits under this program shall not be available to those families where a child has been removed from the household pursuant to a court order after a care and protection hearing under chapter 119 of the General Laws, nor to adult recipients otherwise eligible for transitional aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of social services in accordance with department procedures; provided further, that notwithstanding section 2 of chapter 118 of the General Laws, or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month such payments are to be made or within the 3 month period after such month of payment, and who, if such child had been born and was living with her in the month of payment would be categorically and financially eligible for transitional aid to families with dependent children benefits; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for such loss; provided further, that no funds from this item shall be expended by the department for child care or transportation services for the employment and training program; provided further, that no funds from this item shall be expended by the department for family reunification benefits or informal child care; provided further, that the department shall provide oral and written notification to all recipients of their child care benefits on a semi-annual basis; provided further, that the notification shall include the full range of child care options available, including center-based child care, family-based child care, and in-home relative child care; provided further, that the notification shall detail available child care benefits for current and former recipients, including employment and training benefits, transitional benefits and post-transitional benefits; provided further, that the department shall work with the department of early education and care to ensure that both recipients currently receiving benefits and former recipients during the

1 year period after termination of benefits are provided written and verbal information about child care services; provided further, that the notice shall further advise recipients of the availability of food stamps benefits; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility for, or levels of benefits under the program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the senate and house of representatives a detailed and comprehensive report setting forth the text of, basis, and reasons for such proposed changes; and provided further, that the report shall state the department's most accurate assessment of the probable effects of any such benefit or eligibility changes upon recipient families; and provided further, that not less than $418,074 shall be expended for the purposes of the operation of the Transportation Assistance Program operated by Traveler's Aid Family Services $296,555,455

4403-2001 For the Lift Transportation Program operated by the Traveler's Aid Society of Boston $150,000

4403-2119 For the provision of structured settings as provided in subsection (i) of section 110 of chapter 5 of the acts of 1995, or any successor statute, for parents under the age of 20 who are receiving benefits under the transitional aid to families with dependent children program $6,819,544

4403-2120 For certain expenses of the emergency assistance program as follows: (i) contracted family shelters; (ii) transitional housing programs; (iii) programs to reduce homelessness in Barnstable, Dukes and Nantucket counties; (iv) residential education centers for single mothers with children; (v) intake centers; and (vi) voucher shelters; provided, that eligibility shall be limited to families with income at or below 130 per cent of the federal poverty level; provided, however, that any family whose income exceeds 130 per cent of the federal poverty level while the family is receiving assistance funded by this item shall not become ineligible for assistance due to exceeding the income limit for a period of 6 months from the

date that the 130 per cent level was exceeded; provided further, that the department shall establish reasonable requirements for such families to escrow some or all of the portion of their income which exceeds 130 per cent of the federal poverty level; provided further, that any such escrowed funds shall be exempt from otherwise applicable asset limits; provided further that the family shall be allowed to withdraw the amount placed in escrow upon transition to permanent housing or losing eligibility for shelter services; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States; provided further, that the department shall take all steps necessary to enforce regulations to prevent abuse in the emergency assistance program; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized; provided further, that eligible households shall be placed in shelters as close as possible to their home community unless a household requests otherwise; provided further, that if the closest available placement is not within 20 miles of the household's home community, the household shall be transferred to an appropriate shelter within 20 miles of its home community at the earliest possible date unless the household requests otherwise; provided further, that eligibility for shelter by an otherwise eligible family shall not be impaired by prior receipt of any non-shelter benefit; provided further, that the department shall make every effort to ensure that children receiving services from this item shall continue attending school in the community in which they lived prior to receiving services funded from this item; provided further, that not less than $50,000 shall be expended for the Weymouth Youth and Family Services Teen Center to provide for advocacy, social service programs and to promote growth and social welfare; provided further, that notwithstanding any other general or special law to the contrary, the department shall immediately provide shelter for up to 30 days to families who appear to be eligible for such shelter based on statements provided by the family and any other information in the possession of the department but who need

additional time to obtain any third-party verifications reasonably required by the department; provided further, that shelter benefits received under the preceding proviso shall not render a family ineligible under any regulation providing that a family who previously received shelter is ineligible for shelter benefits for a period of 12 months; provided further, that families receiving such shelter benefits who are found not to be eligible for continuing shelter benefits shall be eligible for aid pending a timely appeal pursuant to section 16 of chapter 18 of the General Laws; provided further, that the department shall not impose unreasonable requirements for third-party verification and shall accept verifications from the family whenever reasonable; provided further, that in promulgating, amending or rescinding regulations with respect to eligibility or benefits under this program, the department shall take into account the amounts available to it for expenditure in this item so as not to exceed the amount appropriated in this item; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that all of this item shall be subject to appropriation and, in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated by this item; provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels except to the extent that such changes are needed to avoid a deficiency in this item; provided further, that the department shall report quarterly to the house and senate committees on ways and means an unduplicated count of families who apply for emergency assistance funded family shelter during the fiscal year; provided further, that the report shall include the total number of applications received, the number of families approved for shelter, the number of families denied shelter along with reasons for denials, the number

of families who are approved for shelter benefits within 12 months of an initial denial, the home community of families receiving shelter, the number of families receiving shelter within each home community, the number of available shelter slots within each home community, the income level of families receiving shelter who had previously accessed state-funded programs to reduce homelessness and the programs that had been accessed, the composition of families receiving shelter, the reason that the household is seeking emergency family shelter, the reasons that families exit shelters by type of reason, including reasons for voluntary departure and termination, exiting families' housing plans by type of plan, including type of housing arrangements, subsidy status, monthly rent, and gross monthly income, and any other information that the department determines to be necessary in evaluating the operation of the emergency assistance family shelters program; provided further, that the report shall also include information, by type of shelter, on average length of stay, average cost per household served, average number of shelter slots not used either as the result of no placement being made or of a placed family not making use of shelter, and an analysis of this information, including an analysis of causes relating to any significant differences in the data for each type of shelter; and provided further, that the report shall also include a status report on the outcomes of department-funded homelessness prevention initiatives or pilot programs, providing information on the nature and total cost of each such initiative, the number of families served by each such initiative, the average cost per family of each such initiative, the affordability and stability of housing or alternative shelter placements for prevention program recipients, including type of housing arrangement, subsidy status, monthly rent, and gross monthly income, and any other information that the department determines to be necessary in evaluating the operation of state-funded homeless prevention programs; provided further, that not less than $179,381 shall be obligated for the Crossroads Family Shelter in East Boston; and provided further, that not less than $100,000 shall be expended for a contract with the St. Frances Samaritan House in Taunton $73,650,000

4405-2000 For the state supplement to the supplemental security income program for the aged and disabled, including a program for emergency needs for supplemental security income recipients; provided, that the expenses of special grants recipients residing in rest homes, as provided in section 7A of chapter 118A of the General Laws, may be paid from this item; provided further, that the department, in collaboration with the executive office of health and human services, may fund an optional supplemental living arrangement category under the supplemental security income program that makes payments to persons living in assisted living residences certified under chapter 19D of the General Laws who meet the income and clinical eligibility criteria established by the department and the office; provided further, that the optional category of payments shall only be administered in conjunction with the Medicaid group adult foster care benefit; and provided further, that reimbursements to providers for services rendered in prior fiscal years may be expended from this item $210,287,077

4406-3000 For the homelessness program to assist individuals who are homeless or in danger of becoming homeless, including assistance to organizations which provide food, shelter, housing search and limited related services to the homeless and indigent; provided further, that no organization providing services to the homeless shall receive less than an average per bed/per night rate of $12.92; provided further, that the department may allocate funds to other agencies for the purposes of this program; provided further, that organizations which received funding in fiscal year 2006 shall receive at least the same amount in fiscal year 2007; provided further, that no funds may be expended for costs associated with the homeless management information system; and provided further, that funds appropriated to this item from item 1599-6901 shall be calculated and distributed separately from any additional rate increase provided $35,239,061

4406-3010 For a grant to the Home and Healthy for Good pilot program operated by the Massachusetts Housing and Shelter Alliance for the purpose of reducing the incidence of chronic homelessness in the commonwealth; provided, that the Massachusetts Housing and Shelter Alliance shall be solely responsible for the administration of this program; provided

further, that the Massachusetts Housing and Shelter Alliance shall file a report with the clerks of the house, the commissioner of the department of transitional assistance and senate, and the chairpersons of the house and senate committees on ways and means no later than March 1, 2007, detailing the implementation of this program; and provided further, that the report shall include information on the number of people served, the average cost per participant, the demographics of those served, whether participants have previously received government services and any projected cost-savings in other state-funded programs $600,000

4408-1000 For a program of cash assistance to certain residents of the commonwealth, entitled emergency aid to the elderly, disabled and children found by the department to be eligible for such aid under chapter 117A of the General Laws and regulations promulgated by the department and subject to the limitations of appropriation therefore; provided, that benefits under this item shall only be provided to residents who are citizens of the United States or qualified aliens or non-citizens otherwise permanently residing in the United States under color of law and shall not be provided to illegal or undocumented aliens; provided further, that any such individual shall not be a subject to sponsor income deeming or related restrictions; provided further, that the payment standard shall equal the payment standard in effect under the general relief program in fiscal year 1991; provided further, that the department may provide benefits to persons age 65 or older who have applied for benefits under chapter 118A of the General Laws, to persons suffering from a medically determinable impairment or combination of impairments which is expected to last for a period as determined by department regulations and which substantially reduces or eliminates the individual's capacity to support himself and which has been verified by a competent authority, to certain persons caring for a disabled person, to otherwise eligible participants in the vocational rehabilitation program of the Massachusetts rehabilitation commission and to dependent children who are ineligible for benefits under both chapter 118 of the General Laws and the separate program created by section 210 of chapter 43 of the acts of 1997 and parents or other caretakers of dependent children who are ineligible under chapter 118 and under the

separate program; provided further, that no ex-offender, person over age 45 without a prior work history or person in a residential treatment facility shall be eligible for benefits under this program unless the person otherwise meets the eligibility criteria described in this item and defined by regulations of the department; provided further, that no person incarcerated in a correctional institution shall be eligible for benefits under the program; provided further, that no funds shall be expended from this item for the payment of expenses associated with any medical review team, other disability screening process or costs associated with verifying disability for this program; provided further, that the department shall adopt emergency regulations under chapter 30A of the General Laws to implement the changes to this program required by this item promptly and within the appropriation; provided further, that in initially implementing the program for this fiscal year, the department shall include all eligibility categories permitted in this item at the payment standard in effect for the former general relief program in fiscal year 1991; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility or benefits, including the payment standard, medical benefits and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the amount appropriated in this item; provided further, that the department may promulgate emergency regulations under chapter 30A of the General Laws to implement these eligibility or benefit changes or both; provided further, that nothing in this item shall be construed as creating any right accruing to recipients of the former general relief program; provided further, that reimbursements collected from the Social Security Administration on behalf of former clients of the emergency aid to the elderly, disabled and children program or unprocessed payments from the program that are returned to the department shall be credited to the General Fund; provided further, that notwithstanding any general or special law to the contrary, the funds made available in this item shall be the only funds available for the program, and the department shall not spend funds for the program in excess of the amount made available in this item; and provided further,

that, notwithstanding any general or special law to the contrary, 60 days before implementing any eligibility or benefit changes, the commissioner shall file with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth the proposed changes $65,904,156

OFFICE OF HEALTH SERVICES.

Department of Public Health.

4510-0099 The department may expend not more than $6,000,000 in revenues collected from licensing, inspections and records for costs associated with the administration of the department $6,000,000

4510-0100 For the operation of the department, the determination of need program, established under section 25C of chapter 111 of the General Laws, the health statistics program, including the operation of a cancer registry and occupational lung disease registry, and the continuation of the cardiac surgery data collection and validation program to collect and validate data from all hospitals in the commonwealth that perform open heart surgery; provided, that the position of assistant commissioner shall not be subject to chapter 31 of the General Laws; and provided further, that state or federal funding for school-based abstinence education shall be used only in conjunction with the teaching of comprehensive sexuality education $17,051,539

Department of Public Health.

4510-0106 For the end of life care commission, established by section 480 of chapter 159 of the acts of 2000; provided, that not more than $100,000 shall be expended from revenues associated with grant and development activities $100,000

4510-0110 For community health center services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that not less than $100,000 shall be expended for the elder health center in Saugus; provided further, that not less than $200,000 shall be expended for the Cape Cod Free Clinic; provided further, that not less than $150,000 shall be expended for the Duffy Health

Center; provided further, that $300,000 shall be expended for medical respite services provided by the Boston health care for the homeless program established pursuant to section 24J of chapter 111 of the General Laws; and provided further, that the department shall submit a tentative allocation schedule of the community health center grants to the house and senate committees on ways and means not later than February 1, 2007 ..... $5,607,956

4510-0150 For the managed care program at community health centers known as CenterCare; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that $225,000 shall be expended on a statewide program of technical assistance to community health centers to be provided by a state primary care association qualified under section 330(f)(1) of the United States Public Health Service Act, 42 U.S.C. section 254c(f)(1); and provided further, that the department shall assist professional and nonprofit agencies dedicated to the advancement of the scope and nature of health care services delivered in communities by community health centers and to pursue available federal technical assistance funding $2,654,974

4510-0600 For an environmental and community health hazards program, including control of radiation and nuclear hazards, consumer products protection, food and drugs, lead poisoning prevention in accordance with chapter 482 of the acts of 1993, lead-based paint inspections in day care facilities, inspection of radiological facilities, licensing of x-ray technologists and the administration of the division of environmental epidemiology and toxicology for the purposes of chapter 111F of the General Laws the "Right-to-Know" law; provided, that the expenditures from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of 100 per cent of the amounts so expended; provided further, that $100,000 shall be expended for a renal disease program administered by the National Kidney Foundation of Massachusetts, Rhode Island and Vermont for nutritional supplements and early intervention services for those affected by renal disease and those at risk of renal disease; provided further, that not less than $100,000 shall be expended for the purposes of research and prevention activities associated with

Lyme Disease to be conducted by the Barnstable County Department of Health and The Environment; provided further, that not less than $14,800 shall be allocated to the Franklin Regional Council of Governments for costs associated with the regional public health program; provided further, that not less than $81,000 shall be expended for the maintenance of a statewide lupus database; provided further, that $150,000 shall be expended for the ALS registry created by section 25A of chapter 111 of the General Laws; provided further, that $195,000 shall be expended for the purpose of the director of the bureau of environmental health assessment of the department of public health to continue an environmental risk assessment of the health impacts of the General Lawrence Logan Airport in the East Boston section of the city of Boston on any community that is located within a 5 mile radius of the airport and is potentially impacted by the airport; provided further, that the assessment may include, but not be limited to, examining incidences of respiratory diseases and cancers and performing medical and laboratory tests and examinations of residents of these communities; provided further, that the bureau shall report its findings, together with any recommended response actions by the commonwealth, to the house and senate committees on ways and means not later than February 1, 2007; and provided further, that no funds appropriated in this item shall be expended for the purpose of siting or locating a low-level radio-active waste facility in the commonwealth $3,509,106

4510-0615 The department may expend not more than $150,000 from assessments collected under section 5K of chapter 111 of the General Laws for services provided to monitor, survey and inspect nuclear power reactors; provided, that the department may expend not more than $1,374,195 from fees collected from licensing and inspecting users of radioactive material within the commonwealth under licenses presently issued by the Nuclear Regulatory Commission; provided further, that the revenues may be used for the costs of both programs, including the compensation of employees; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may cert-

ify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $1,524,195

4510-0616 The department may not expend more than $551,110 for a drug registration and monitoring program from revenues collected from fees charged to registered practitioners, including physicians, dentists, veterinarians, podiatrists and optometrists for controlled substance registration; provided, that funds may be expended from this item for the costs of personnel; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $551,110

4510-0710 For the operation of the division of health care quality and the office of patient protection; provided, that the division shall be responsible for assuring the quality of patient care provided by the commonwealth's health care facilities and services, and for protecting the health and safety of patients who receive care and services in nursing homes, rest homes, clinical laboratories, clinics, institutions for the mentally retarded and the mentally ill, hospitals and infirmaries, including the inspection of ambulance services; provided further, that the division shall track and report the number and type of dementia or Alzheimer's special care units in each facility; provided further, that the department shall provide quarterly reports of its findings to the house and senate committees on ways and means; provided further, that the division shall coordinate its work with the board of registration in medicine and the various other boards of registration under the department of public health to promote quality patient care in facilities licensed by the department, shall report specific instances of preventable medical error that involve an individualized component investigated by the board of registration and a systemic or institutional component investigated by the division, the medical, administrative, educational and disciplinary outcomes of such instances of preventable medical error and the ways in which

coordination promotes quality patient care, fairness and accuracy in disciplinary actions, and better provider and facility education; provided further, that investigators shall conduct investigations of abuse, neglect, mistreatment and misappropriation; provided further, that the division shall assign such investigators to perform their duties on staggered shifts which shall be established by the division in order to provide coverage adequate to ensure that all complaints of abuse, neglect, mistreatment and misappropriation are investigated, and that the department shall investigate complaints during evening and weekend hours, as needed, to assess the validity of the complaint; provided further, that not less than 10 per cent of all routine surveys of the facilities are completed during evening or weekend hours; provided further, that the division shall minimize the need for payment of overtime to investigators in both emergent and non-emergent situations and shall not authorize the assignment of overtime hours for any investigator when the duties can be performed on a non-overtime basis by another investigator; provided further, that all investigators in the division of health care quality responsible for the investigations shall receive training by the Medicaid fraud control unit of the office of the attorney general under a comprehensive training program to be developed by the division and the unit; provided further, that the division shall report quarterly to the house and senate committees on ways and means on the number of incident reports and, for those reports requiring investigations under section 72H of chapter 111 of the General Laws indicating for each such report, the time in which the division: (1) completed its investigation; (2) made an evaluation and determination of the validity of the report; (3) made a referral of such report to the appropriate agency or agencies; provided further, that if in any quarter the division maintains a backlog of cases requiring investigation that have not been investigated, evaluated and determined within the time frames established in section 72H of chapter 111, the division shall include in the report an explanation as to the reasons therefore; provided further, that the division shall include in the report a list of all instances of the payment of overtime for investigators and the justification therefore and in each quarter shall compare the overtime expenditures

from this item with the overtime expenditures made in the corresponding quarter of fiscal year 2006; provided further, that the division shall continue to research and develop, in consultation with the nursing home industry and consumer representatives, appropriate confidential survey tools to assess consumer satisfaction in long-term care facilities; provided further, that $75,000 shall be expended to study infant mortality rates in the Worcester area; provided further, that the division shall continue a comprehensive training, education and outreach program for nursing home administrators and managers and other supervisory personnel in long-term care to improve the quality of care in long-term care facilities; provided further, that the program shall promote the use of best practices, models of quality care-giving and the culture of workforce retention within the facilities and shall focus on systemic ways to reduce deficiencies; provided further, that $20,000 shall be expended for Bedside Advocates, Inc. for the development of a pilot project focused on transitional care for geriatric patients transitioning to their homes from acute care hospitals provided further, that services funded through this item shall include, but not be limited to: education, training, intervention, support, surveillance and evaluation; and provided further, that the department shall report to the house and senate committees on the results of the program not later than April 30, 2007 ..... $7,994,057

4510-0712 The department may expend not more than $504,922 in revenues collected from the licensure of health facilities for program costs of the division of health care quality; provided, that the department may expend not more than $800,000 from revenues collected from individuals applying for emergency medical technician licensure and recertification; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate therefore as reported in the state accounting system $1,304,922

4510-0720 For a scholarship program for certified nurses' aide and direct care worker training; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that the department shall establish appropriate guidelines and application criteria for the administration of the program; provided further, that the scholarships shall cover the full cost of tuition to an approved certified nurses' aide or long-term care direct worker training program, including approved programs providing for cross-training; provided further, that funds may also be available to provide adult basic education and English as a second language training for applicants otherwise meeting criteria for the scholarships, as well as pilot training programs using enhanced curricula designed to support increased retention; provided further, that the department shall, in consultation with the nursing home industry, consumer groups, the department of labor and workforce development, the Commonwealth Corporation, training providers and other appropriate state and local agencies, conduct outreach regarding the availability of such scholarships; provided further, that the department shall consult with the scholarship program advisory council and the extended care career ladder initiative to review and recommend new training requirements for certified nurses' aides, home health aides and home care workers to improve the quality of the direct care workforce and the quality of care provided in all long-term care settings by developing skill standards, supporting the transition from training to work, improving retention, promoting portability, recognizing career advancement curricula and addressing language and education barriers; and provided further, that costs for outreach activities shall not exceed 5 per cent of the amount appropriated in this item and administrative costs of the program shall not exceed 5 per cent of the amount appropriated in this item $250,000

4510-0721 For the costs of personnel, administration, information technology, equipment, newsletters and other essential spending of the board of registration in nursing; provided, that the board shall prepare an annual report detailing the total number of cases referred to and investigated by the board, the resolution of these cases, the approximate number of cases assigned to each investigator and any increases or decreases

in cases referred to the board in the previous 6 months; provided further, that the board shall submit the report to the house and senate committees on ways and means, the joint committee on health care financing, the joint committee on public health and the commissioner of the department of public health; provided further, that the board shall prepare a compilation of cases involving preventable medical error that resulted in harm to a patient or health care provider for the purpose of assisting health care providers, hospitals and pharmacies to modify their practices and techniques to avoid error; and provided further, that the board shall submit the compilation to the house and senate committees on ways and means, the joint committee on health care financing, the joint committee on public health and the commissioner of the department of public health by January 4, 2007, and shall make the compilation widely available, including by electronic means, to the public and to all hospitals, pharmacies and health care providers doing business in the commonwealth $1,562,322

4510-0722 For the costs of personnel, administration, newsletters, dues, travel, public information advertising, and other expenses of the board of registration in pharmacy; provided, that the board shall prepare an annual report detailing the total number of cases referred to and investigated by the board, the resolution of these cases, the approximate number of cases assigned to each investigator and any increases or decreases in cases referred to the board in the previous 6 months; provided further, that the board shall submit the report to the house and senate committees on ways and means, the joint committee on health care financing, the joint committee on public health and the commissioner of the department of public health; provided further, that the board shall prepare a compilation of cases involving preventable medical error that resulted in harm to a patient or health care provider for the purpose of assisting health care providers, hospitals and pharmacies to modify their practices and techniques to avoid error; and provided further, that the board shall submit the compilation to the house and senate committees on ways and means, the joint committee on health care financing, the joint committee on public health and the commissioner of the department of

public health by January 4, 2007, and shall make the compilation widely available, including by electronic means, to the public and to all hospitals, pharmacies and health care providers doing business in the commonwealth $492,669

4510-0723 For the operation and administration of the board of medicine and the committee on acupuncture; provided, that the board of registration in medicine shall prepare an annual report addressing its activities with respect to licensing, enforcement, law and policy, patient safety, and other relevant topics, including, but not limited to, the total number of cases referred to and reviewed by the board, the resolution of the cases, the approximate number of cases assigned to each investigator, any increases or decreases in cases referred to the board in the previous 6 months, a compilation of cases from its patient care assessment program describing incidents involving preventable medical error that resulted in harm to patient or health care provider for the purpose of assisting the providers, hospitals, and pharmacies to modify their practices and techniques to avoid error, and any other relevant topics; provided further, that the board shall submit the report to the general court, house and senate committees on ways and means and the joint committee on health care financing and the joint committee on public health by January 4, 2007 and shall make the compilation widely available, including by electronic means, to the public; and provided further, that the board shall promulgate rules and regulations to coordinate their patient care assessment program with the boards of nursing and pharmacy $2,318,414

4510-0725 For the costs of personnel, administration, public information advertising and other expenses of certain health boards of registration, including the boards of registration in dentistry, nursing home administrators, physician assistants, perfusionists and respiratory care $427,803

4510-0726 The board of registration in medicine, including the physician profiles program, may expend revenues not to exceed $300,000 from new revenues associated with increased license and renewal fees $300,000

4510-0790 For regional emergency medical services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that the regional emergency medical services councils, designated as such in

accordance with 105 CMR 170.101 and the C-MED communications as of January 1, 1992, shall remain the designated councils and C-MEDs; provided further, that the department shall report quarterly on the number of investigations of ambulance services performed by the inspectors and by inspectors funded in items 4510-0710 and 4510-0712 as well as the number of investigations pending at the end of each quarter and the reasons therefore; and provided further, that the department, in conjunction with the regional emergency services councils, notwithstanding section 27C of chapter 29 of the General Laws to the contrary, shall promulgate regulations to ensure that all basic, intermediate and paramedic emergency medical technicians are certified to use and have available epinephrine for the emergency treatment of anaphylaxis $1,246,896

4510-0810 For a statewide sexual assault nurse examiner program, pediatric sexual assault nurse examiner program for the care of victims of sexual assault; provided, that the program shall be established by the department to operate under specific statewide protocols and by an on-call system of nurse examiners; and provided further that $202,000 shall be expended for a contract with the Massachusetts Children's Alliance to support children's advocacy centers in the commonwealth $3,610,111

4512-0103 For acquired immune deficiency syndrome services and programs; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that no funds shall be transferred into the AA object class; provided further, that particular attention shall be paid to direct the funding proportionately amongst each of the demographic groups afflicted by HIV/AIDS; provided further, that funds shall be expended for rental housing subsidies for the purposes of preventing admissions to acute hospitals, chronic hospitals and nursing homes for persons with acquired immune deficiency syndrome; provided further, that the department may contract for the administration of this program; provided further, that the costs of this administrative contract shall not be expended from this item; provided further, that rents payable by tenants shall not be less than 30 per cent of total household income if heat and cooking fuel are provided by the landlord and shall not be less than 25 per

cent of total household income if heat and cooking fuel are not provided; provided further, that no funds shall be expended for subsidies for housing units in excess of the number of units funded on June 30, 1991; provided further, that the department shall not enter into any new housing contracts or expend funds for such new contracts in fiscal year 2007 that would fund units in excess of the number of units funded on June 30, 2006; and provided further, that no funds from this item shall be expended for disease research in fiscal year 2007 ..... $36,388,608

4512-0106 The department of public health may expend not more than $1,900,000 from revenues received from pharmaceutical manufacturers participating in the section 340B rebate program administered by the federal health resources and services administration and office of drug pricing $1,900,000

4512-0200 For the division of substance abuse services, including a program to reimburse driver alcohol education programs for services provided for court adjudicated indigent clients; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further that the commissioner of public health shall ensure that monies spent pursuant to this line item is consistent with and proportionate to the level of need among the demographic populations of the commonwealth; provided further, that not less than $4,000,000 shall be expended for the establishment of 60 community-based beds in locked down non-correctional settings for men who have been civilly committed to a substance abuse treatment program pursuant to section 35 of chapter 123 of the General Laws; provided further, that not less than $961,324 shall be expended to Gavin Foundation for a male adolescent residential facility for substance abuse and rehabilitation services and for an adjoining female adolescent residential facility for substance abuse and rehabilitation services, totaling twenty-eight beds, located in the South Boston section of the City of Boston; provided further, that not less than $833,000 shall be expended for the Volunteers of America Rebound Youth Residential Recovery Program at Long Island Hospital in the city of Boston for substance abuse and rehabilitation services to youths with addictions; provided further, that not less than $750,350 shall be expended for a contract with STEP, Inc., for sobriety treatment, education

and prevention; provided further, that $500,000 shall be expended for an opiate education and counseling competitive grant program in Suffolk county; provided further, that not less than $400,000 shall be provided to the Boston municipal court to fund treatment coordinators for the drug court program to treat nonviolent, substance-abusing offenders; provided further, that not less than $319,500 shall be expended for a contract with Gavin Foundation, Inc., to provide a Total Immersion program in conjunction with the probation departments of the South Boston division of the district courts, the Somerville division of the district court, the Hingham division of the district court, the Brighton division of the district court, and other district courts, and that the funding shall be expended for the maintenance of a training program by the Gavin Foundation for a statewide Total Immersion program; provided further, that the Gavin Foundation shall be contracted to provide the Total Immersion programs described in this item; provided further that not less than $250,000 shall be expended for the restoration of 24-hour services at the Albany St. Shelter operated by the Cambridge and Somerville program for Drug and Alcohol Rehabilitation; provided further, that not less than $250,000 shall be expended for the Latino After School Initiative; provided further, that not less than $250,000 shall be expended for the New Beginnings program; provided further, that not less than $225,000 shall be expended for the operation of the Barnstable Action for New Directions (BAND) program facilitated by the Gosnold Society of Cape Cod Inc., in conjunction with the Barnstable district court and the Cape and Islands district attorney; provided further, that not less than $200,000 shall be expended for the Link House, Inc., in the town of Salisbury; provided further, that not less than $200,000 shall be provided to district courts to fund treatment coordinators for the drug court program to treat nonviolent, substance abusing offenders; for purposes of establishing transitional housing for women in recovery from substance abuse; provided further, that not less than $155,000 shall be expended for the maintenance and operation of the Intensive Outpatient Program at the South Boston Collaborative for the purposes of responding to adolescent suicide clusters and drug abuse in the South Boston section of the city

of Boston; provided further, that not less than $150,000 shall be expended to the Berkshire County Youth Development Project for youth intervention services; provided further, that $150,000 shall be expended for the Northern Educational Services, Inc., in Springfield, to operate the Youth Zone Program; provided further, that not less than $125,000 shall be expended for Self Esteem Boston's substance abuse direct service prevention programs and provider training programs; provided further, that not less than $100,000 shall be expended for a contract with Bay Cove Human Services, Inc., for the purposes of establishing an independent licensed halfway house in the Charlestown neighborhood of Boston, in collaboration with the Charlestown Recovery House, Inc., for persons in recovery from alcoholism and chemical dependency; provided further, that not less than $100,000 shall be expended on the Russian Teens-at-Risk program operated by the Jewish Family Children's Service in the cities of Boston and Lynn and the town of Brookline; provided further, that not less than $100,000 shall be expended for the Winchester Substance Abuse Coalition in the town of Winchester; provided further, that not less than $100,000 shall be expended for the Springfield Public Health Department for drug prevention outreach and education; provided further, that not less than $99,925 shall be expended for Latinas Y Ninos Center to provide a full-time child advocate parent educator specialist to attend to the needs of Latino women in recovery with a focus on pregnant women, new parents, and mother recently reunified with their children; provided further, that not less than $90,000 shall expended for Franklin Medical Center's Beacon Recovery Program at the Orange Recovery House; provided further, that not less than $75,000 shall be provided to Second Step, Inc. in the city of Newton for the provision of substance abuse prevention and education programs to the survivors of domestic violence and their children; provided further, that $75,000 shall be expended to continue an Opiate Abuse Prevention and Intervention Program for Youth in the City of Melrose; provided further, that not less than $75,000 shall be expended for the Tynan Community Centers Adolescence Wellness Program in the South Boston section of city of Boston; provided further, that not less than $60,000 shall be

provided to Project Cope, Inc., in Lynn for the prevention and education of the problems associated with Oxycontin and heroine use; provided further, that not less than $50,000 shall be expended for the Louis D. Brown Peace Institute for homicide victims' family support services and anti-violence advocacy programs; provided further, that not less than $50,000 shall be expended for teens through programs provided by the Ashland Recreational Department; provided further, that $50,000 shall be expended for a pilot program in the city of Boston designed to foster healthy self-esteem and encourage positive social interaction among girls aged 12-19; and provided further, that not less than $45,000 shall be expended in grants for the Framingham Coalition for the Prevention of Drug and Alcohol abuse $61,647,392

4512-0201 For substance abuse step-down recovery services, otherwise known as level B beds and services, and other critical recovery services with severely reduced capacity; provided, that no funds shall be expended in the AA object class for any personnel-related costs; and provided further, that the department shall submit quarterly to the house and senate committees on ways and means a report on the number of individuals served by the step-down recovery services program $5,000,000

4512-0225 The department of public health may expend not more than $1,000,000 for a compulsive gamblers' treatment program from unclaimed prize money held in the State Lottery Fund for more than 1 year from the date of the drawing when the unclaimed prize money was won, and from the proceeds of a multi-jurisdictional lottery game under subsection (e) of section 24A of chapter 10 of the General Laws; provided, that the state comptroller shall transfer the amount to the General Fund $1,000,000

4512-0500 For dental health services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further that, of the amount appropriated in this item, funds shall be expended to maintain a program of dental services for the developmentally disabled; provided further, that not less than $122,000 shall be allotted to the Taunton Oral Health Clinic in the city of Taunton for the basic dental needs of moderate and low income residents of southeastern Massachusetts; and provided further, that the department shall

submit to the house and senate committees on ways and means a quarterly report on the number of children served by this dental health services program and the number of children waiting to be served by the program; and provided further, that not less than $90,000 shall be expended to Harbor Health Services, Inc. for support and implementation of a model dental program that provides comprehensive dental care for low-income uninsured adults throughout the Cape $1,868,150

4513-1000 For the operation of the bureau of family health services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that not less than $4,600,000 shall be expended for comprehensive family planning services, including HIV counseling and testing, community based health education and outreach services, provided by agencies certified as comprehensive family planning agencies, family planning clinics and primary care services for women and children; provided further, that of $4,600,000, $150,000 shall be allocated for a statewide hotline and other efforts to implement chapter 91 of the acts of 2005; provided further, that not less than $300,000 shall be expended for ROCA, Inc. for outreach and youth development for at-risk youth and young adults in Chelsea, Revere, and East Boston; provided further, that not less than $100,000 of said funds shall be expended for such programs in the Bowdoin/Geneva and the Uphams Corner/ North Dorchester sections of Boston; and provided further, that not less than $50,000 shall be expended for Falmouth Family Planning; provided further, that not less than $100,000 shall be expended for the Springfield Public Health Department; provided further, that not less than $50,000 shall be expended for the Molly Bish Institute for Child Safety at Mount Wachusett Community College; provided further, that not less than $35,000 shall be expended for the Immigrants Assistance Center, Inc., in New Bedford for its unique bilingual AIDS education $5,364,721

4513-1002 For women, infants and children's (WIC) nutrition services in addition to funds received under the federal nutrition program; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that all new WIC cases, in excess of fiscal year 1991 caseload

levels, shall be served in accordance with priority categories 1 through 7, as defined by the state WIC program; and provided further, that not less than $680,000 shall be expended for the Growth and Nutrition Program $13,059,523

4513-1010 The department of public health may expend not more than $3,500,000 in revenue received from the collection of federal financial participation for early intervention services delivered to Medicaid-eligible children by developmental educators and professionals in related disciplines; provided, that nothing in this item shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the services funded in this item; and provided further, that the revenue may be used to pay for current and prior year claims $3,500,000

4513-1012 The department of public health may expend not more than $24,076,000 from revenues received from the federal cost-containment initiatives including, but not limited to, infant formula rebates and Northeast Dairy Compact reimbursements; provided that, for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most-recent revenue estimate as reported in the state accounting system $24,076,000

4513-1020 For the early intervention program; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that the department shall report quarterly to the house and senate committees on ways and means the total number of units of service purchased and the total expenditures for the units of service paid by the department, the executive office of health and human services, and by third party payers for early intervention services for the following services categories: home visit, center-based individual, child-focused group, parent-focused group, screening, and assessment; provided further, that the department shall make all reasonable efforts to secure third party and Medicaid reimbursements for the services funded in this item; provided further, that funds from this item shall be expended for a reserve to provide respite services to families of children enrolled in early intervention programs who have

complex care requirements, multiple disabilities and extensive medical and health needs; provided further, that priority shall be given to low and moderate income families; provided further, that the department shall submit to the house and senate committees on ways and means a report on the number of families served by the program and the amount of funds appropriated in this item granted to qualified families not later than February 1, 2007; provided further, that no claim for reimbursement made on behalf of an uninsured person shall be paid from this item until the program receives notice of a denial of eligibility for the MassHealth program from the executive office of health and human services; and provided further, that nothing stated in this item shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the early intervention services funded in this item; provided further, that not less than $1,000,000 shall be expended for the provision of cost reimbursement funding to certified Early Intervention programs $32,956,637

4513-1021 For a rate increase for the early intervention program; provided, that $1,417,500 shall be expended to fund an 3 per cent rate increase for program services provided under items 4513-1020, 4000-0500, 4000-0700 and 4000-0860 to increase salaries and compensation for early intervention staff, effective July 1, 2006 ..... $1,417,500

4513-1023 For the costs associated with the implementation of the universal newborn hearing program; provided, that no funds shall be expended in the AA object class for any personnel-related costs; and provided further, that the funds appropriated in this item shall be expended for the notification of and follow through with affected families, primary care providers and early intervention programs upon the department's receipt of data indicative of potential hearing disorders in newborns $83,060

4513-1026 For the provision of statewide and community-based suicide prevention, intervention, postvention, and surveillance activities and the implementation of a statewide suicide prevention plan $500,000

4513-1112 For a prostate cancer screening, education and treatment program; provided, that screening, education and treatment shall have a particular focus on the high rate of prostate cancer among African American males; provided further, that

no funds shall be expended in the AA object class for any personnel-related costs; and provided further, that funds expended on advertising shall only be spent for the express purpose of prostate cancer screening awareness $1,300,000

4513-1113 For a program to raise public awareness and provide health care provider education on colorectal cancer, including dissemination of materials on preventing and screening the disease and cancer registry reporting; provided, that no expenditures shall be made from this item in the AA object class for any personnel-related costs $250,000

4513-1114 For the purposes of the Hepatitis C program, including mitigating the effects of Hepatitis C; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that funds shall be expended to increase public awareness and provide health care provider information; provided further, that awareness efforts shall be presented in multiple languages and in a culturally appropriate manner where applicable; provided further, that Hepatitis C prevention, counseling and testing and case management services shall be integrated into existing substance abuse, HIV/AIDS and STD service programs; and provided further, that funds in this item shall supplement, and not supplant, funding for such purposes in item 4580-1000 ..... $662,876

4513-1115 For a multiple sclerosis screening, information, education and treatment program; provided, that no state employees shall be paid from this item; and provided further, that funds appropriated in this item shall be expended for the Multiple Sclerosis Home Living Independently Navigating Key Services program administered by the Central New England Chapter of the National Multiple Sclerosis Society to maximize matching dollars from the Society, to be used exclusively for the purposes of the program $162,368

4513-1121 For a statewide STOP stroke program; provided, that this program shall expend funds to educate the public and providers, including emergency medical systems personnel, medical dispatchers, fire and police department personnel and out-patient facilities intake and discharge personnel, about the warning signs of stroke, the recognition of stroke symptoms and the importance of timely and appropriate acute care treatment; provided further, that this program shall expend funds, as appropriate, to support initiatives related to primary

stroke services regulations throughout all regions of the commonwealth, including telemedicine infrastructure, community education efforts and other needed supports; provided further, that the department shall coordinate such program with any ongoing federally-funded statewide efforts, including any program funded by federal cardiovascular health initiative grants; and provided further, that the program shall seek to maximize, through grant development or public-private partnerships, available sources of funding to accomplish the goals of the program $300,000

4513-1130 For the domestic violence and sexual assault prevention and treatment program; provided, that of the amount appropriated in this item, funds shall be expended for rape prevention and victim services, including the statewide Spanish language hotline for sexual abuse and statewide suicide and violence prevention outreach to gay and lesbian youth; provided further, that not less than $158,000 shall be expended for the public health model of community engagement and intervention services and crisis housing for sexual violence and intimate partner violence in the GLBT community $3,735,066

4516-0263 The department of public health may expend not more than $1,486,551 in revenues from various blood lead testing fees collected from insurers and individuals for the purpose of conducting such tests; provided that, notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate therefore, as reported in the state accounting system $1,486,551

4516-1000 For the administration of the center for laboratory and communicable disease control, including the division of communicable venereal diseases, the division of tuberculosis control and the state laboratory institute; provided, that the department shall give priority to the analysis of samples used in the prosecution of controlled substances offenses; provided further, that funds shall be expended for an eastern encephalitis testing program and for tuberculosis testing and treatment services; provided further, that no funds appropriated in this item shall be expended for administrative, space

or energy expenses of the department not directly related to personnel or programs funded in this item; provided further, that funds from this item may be expended for the purchase of equipment for the drug laboratory at the state laboratory institute; provided further, that not less than $240,000 shall be expended for the maintenance of the statewide rabies control program, coordinated by the department of public health, providing assistance to cities, towns and the public and for the interagency collaboration through the rabies advisory committee, the 24-hour epidemiological and clinical consultation for rabies exposures and the rapid laboratory diagnostic services; provided further, of the $240,000, not less than $150,000 shall be expended for the continuation of the Oral Rabies Vaccine Project on Cape Cod operated through a contract with Tufts University School of Veterinary Medicine in collaboration with the federal Centers for Disease Control and Prevention; and provided further, that funds from this item may be expended for the purpose of an interagency service agreement with the University of Massachusetts Medical School for the department's share of the cost of occupancy, including the cost of facility support personnel, for the state laboratory institute 12,277,658

4516-1022 The department may expend not more than $300,000 generated by fees collected from insurers for tuberculosis tests performed at the state laboratory institute; provided, that revenues collected may be used to supplement the costs of the state lab; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most-recent revenue estimate, as reported in the state accounting system $300,000

4518-0200 The department may expend not more than $261,687 generated by fees collected from the following services provided at the registry of vital records and statistics: amendments of vital records, requests for vital records not issued in person at the registry and research requests performed by registry staff at the registry; provided, that revenues so collected may be used for all program costs, including the compensation of employees; provided further, that the registrar of vital records

and statistics shall exempt from payment of a fee any person requesting a copy of a birth certificate for the purpose of establishing eligibility for Medicaid; and provided further, that, for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most-recent revenue estimate, as reported in the state accounting system $261,687

4530-9000 For teenage pregnancy prevention services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that applications for such funds shall be administered through the department upon receipt and approval of coordinated community service plans to be evaluated in accordance with guidelines issued by the department; provided further, that portions of the grants may be used for state agency purchases of designated services identified by the community service plans; provided further that funding shall be expended on those communities with the highest teen birth rates according to an annual statistical estimate conducted by the department; provided further, that $100,000 shall be expended for teen pregnancy prevention services in the town of Orange; provided further that not less than $400,000 shall be expended for the Berkshire Coalition to Prevent Teenage Pregnancy in the Berkshire region; provided further that $50,000 shall be expended for teen pregnancy prevention programs in the town of Southbridge; provided further, that the department shall contract directly with vendors of teenage pregnancy prevention services; and provided further, that not less than $15,000 shall be provided to Girls, Inc., of Lynn for teen pregnancy prevention $2,022,357

4570-1500 For an early breast cancer detection program, mammographies for the uninsured and a breast cancer detection public awareness program; provided, that no funds shall be expended in the AA object class for any personnel-related costs; and provided further, that not less than $107,500 shall be expended for the Silent Spring Institute to complete the household exposure study $3,362,768

4580-1000 For the universal immunization program and the purchase and distribution of the pneumococcal conjugate vaccine; provided, that no funds shall be expended in the AA object class for any

personnel-related costs; and provided further, that no funds appropriated in this item shall be expended for administrative or energy expenses of the department not directly related to programs funded in this item $36,771,508

4590-0250 For school health services and school-based health centers in public and non-public schools; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that services shall include, but not be limited to: (1) strengthening the infrastructure of school health services in the areas of personnel and policy development, programming, and interdisciplinary collaboration; (2) developing linkages between school health services programs and community health providers; (3) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services; and (4) incorporating obesity prevention programs, including nutrition and wellness programs in school curricula to address the nutrition and lifestyle habits needed for healthy development; provided further, that the services shall meet standards and eligibility guidelines established by the department of public health in consultation with the department of education; provided further, that not less than $300,000 shall be expended for mental health and substance abuse services in school-based health centers; provided further, that not less than $350,000 shall be expended for the commission on gay and lesbian youth; provided further, that not less than $200,000 shall be expended for the North Quabbin Community Coalition for support and implementation of four model community coalitions and community capacity building activities; provided further, that not less than $100,000 shall be expended to the H.E.L.P. program so-called, for black males health; provided further, that not less than $15,000,000 shall be expended for school nurses and school based health centers; provided further, that $150,000 shall be expended for the Childhood Obesity School Nutrition Pilot Project within the department of public health to initiate or maintain school lunch programs focused on diminishing the epidemic of childhood obesity; provided further, that food service providers, working with public schools, wishing to institute

or maintain a school nutrition program designed to reduce childhood obesity, may submit an application to the department of public health indicating the various nutritional and educational steps the school plans to implement with the grant, not to exceed $10,000 per school per year; provided further, that eligible programs must focus on providing healthier choices for lunch programs and provide incentives and information to make healthier meal choices in the school lunch line; provided further one or more schools may be included in an application; and provided further, that grant applications and other appropriate criteria shall be determined and reviewed by the department $16,730,544

4590-0300 For smoking prevention and cessation programs; provided, that no funds shall be expended in the AA subsidiary for any personnel-related costs $4,250,000

4590-0912 The department may expend an amount not to exceed $14,829,827 from reimbursements collected for western Massachusetts hospital services, subject to the approval of the commissioner of public health; provided, that such revenues may be expended for the purpose of hospital-related costs, including personnel, capital expenditures, DD object class chargebacks and motor vehicle replacement; provided further, that all revenues expended shall be pursuant to schedules submitted to the secretary of administration and finance and the house and senate committees on ways and means; provided further, that notwithstanding any general or special law to the contrary, the western Massachusetts hospital shall be eligible to receive and retain full reimbursement from the medical assistance program of the executive office of health and human services; provided further, that notwithstanding any general or special law to the contrary, the western Massachusetts hospital shall reimburse the General Fund for a portion of employee benefit expenses, according to a schedule submitted by the commissioner of public health and approved by the secretary for administration and finance; provided further, that such reimbursement shall not exceed 10 per cent of total personnel costs for the hospital; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed

the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded in this item $14,829,827

4590-0913 The department of public health Lemuel Shattuck hospital may not expend more than $500,000 in revenues collected from private medical vendors for the purposes of funding expenses for services provided to inmates of county correctional facilities which have privatized medical care; provided that, for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system $500,000

4590-0915 For the maintenance and operation of Tewksbury hospital, Massachusetts hospital school, Lemuel Shattuck hospital and the hospital bureau, including the state office of pharmacy services; provided, that all revenue generated by the hospitals shall be credited to the General Fund; provided further, that no funds appropriated in this item shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded in this item; provided further, that Tewksbury hospital shall not be used to house county, state or other prisoners; provided further, that the department shall take no action to reduce or realign the client population and services at Tewksbury hospital unless such action results in alternative service delivery in an appropriate and cost-effective method of care; provided further, that staffing configurations at Tewksbury hospital shall be consistent with the client population and service realignment; provided further, that not less than $2,790,000 shall be expended for the creation of a children's specialty care unit at Massachusetts hospital school; provided further, that $275,000 shall be made available for the third of 6 annual TELP payments for a CT scanner procured for Lemuel Shattuck hospital; provided further, that reimbursements received for medical services provided at the

Lemuel Shattuck hospital to inmates of county correctional facilities not managed by private health care vendors shall be credited to item 4590-0903 of section 2B; and provided further, that, notwithstanding any general or special law to the contrary, the department shall seek to obtain federal financial participation for care provided to inmates of the department of correction and of county correctional facilities who are treated at the public health hospitals $128,956,272

OFFICE OF CHILDREN, YOUTH AND FAMILY SERVICES.

Department of Social Services.

4800-0015 For central and area office administration; provided, that the associated expenses of employees whose AA object class costs are paid from item 4800-1100 shall be paid from this item; provided further, that no funds shall be expended from this item for the compensation of unit 8 employees; provided further, that the department shall not place a child or adolescent referred by, or discharged from, the care of the department of mental health until the latter department forwards an assessment and recommendation as to whether the child or adolescent may be appropriately placed in foster care or, if due to severe emotional disturbance, is more appropriate for group care; provided further, that the department, in consultation with the department of mental health, shall establish guidelines to assist the latter department in making such assessments and recommendations; provided further, that, unless otherwise authorized, all funds, including federal reimbursements received by the department shall be credited to the General Fund; and provided further, that not less than $1,000,000 shall be expended to hire medical staff for each region of the commonwealth to collaborate with the department's social workers, ensuring a multi-disciplinary response to reports of abuse and neglect and increasing the department's capacity to perform medical evaluations $75,563,750

4800-0016 The department of social services may expend for the operation of the transitional employment program an amount not to exceed $2,000,000 from revenues collected from various state, county and municipal government entities, as well as state authorities, for the costs related to the provision of services by the participants and the overhead costs and expenses

incurred by the not-for-profit managing agent selected by the commissioner for administering the program; and provided further, that notwithstanding any general or special law to the contrary, the commissioner of social services may enter into a contract with Roca, Inc., a not for profit community based agency, to manage the transitional employment program and to provide services to participants from the ageing out population, parolees, probationers, youth service releasees, or other community residents considered to have employment needs $2,000,000

4800-0025 For foster care review services $2,821,775

4800-0036 For a sexual abuse intervention network program to be administered in conjunction with the district attorneys; provided, that each district attorney shall receive not less than the amount it received in the previous fiscal year for the sexual abuse intervention program $737,464

4800-0038 For stabilization, unification, reunification, permanency, adoption, guardianship and foster care services provided by the department of social services; provided, that services funded through this item shall include shelter services, substance abuse treatment, family reunification networks, young parent programs, parent aides, education and counseling services, family preservation services, foster care, adoption and guardianship subsidies, tiered reimbursements used to promote the foster care placement of children with special medical and social needs; assessment of the appropriateness of adoption for children in the care of the department for more than 12 months, protective services provided by partnership agencies, targeted recruitment and retention of foster families, respite care services, post-adoption services, support services for foster, kinship and adoptive families and juvenile firesetter programs; provided further, that any child who would have been eligible for a clothing benefit under regulations in place on January 1, 2006, shall receive a clothing benefit in fiscal year 2007; provided further, that not later than February 17 of the current fiscal year, the department shall provide to the house and senate committees on ways and means a recommendation on whether or not to discontinue any program, including earmarked programs, the cost of which, per unit of service or

service outcomes, do not fall within a reasonable standard; provided further, that the department shall submit to the chairs of the joint committee on children and families and the chairs of the house and senate committees on ways and means an implementation plan for its re-procured system of care not later than August 15, 2006 and shall report quarterly to the committees on the status of the implementation progress; provided further, that the report shall contain information on the number of children served, their ages, the number of children served in each service plan, the number of children in out-of-home placements and the number of placements each child has had before receiving an out-of-home placement; provided further, that the report shall also contain the number of families receiving multiple 51As within a 10-month period, the number of cases reopened within 6 months of being closed, and the number of children who return home and then re-enter an out-of-home placement within 6 months; provided further, that not less than $2,300,000 shall be expended for the Young Parent Support Program; provided further, that not less than $500,000 shall be expended on the recruitment and retention of foster parents; provided further, that not less than $348,850 shall be expended for Latinas y Ninos and Casa Esperanza; provided further, that not less than $300,000 shall be expended for a statewide contract with Northeastern University for a violence prevention and conflict resolution program; provided further, that not less than $300,000 shall be expended for Massachusetts Families for Kids; provided further, that not less than $300,000 shall be expended for Summerhill House in Norwood; provided further, that not less than $298,000 shall be expended for alternative schools for students aged 14 to 16, inclusive, who are placed before the court on child in need of services petitions in region 6; provided further, that not less than $257,000 shall be expended for the Laboure Center in South Boston; provided further, that not less $250,000 shall be expended on the juvenile firesetters program; provided further, that not less than $250,000 shall be expended for the operation of a juvenile firesetters program to be operated by the Massachusetts Coalition for Juvenile Firesetters Intervention Programs; provided further, that not less than $200,000 shall be expended to support the

family center component of the Greater Lowell Family Resource Center; provided further, that not less than $187,500 shall be expended for the Center for Family Connections to provide therapeutic and rehabilitative mental health services, targeted research on well-being outcomes and permanency planning for older, hard-to-place youth and those aging out of the system; provided further, that not less than $150,000 shall be expended for a contract with Julie's Family Learning program in the South Boston section of the city of Boston; provided further, that not more than $140,000 shall be expended for the Comprehensive School Age Parenting Program, Inc., for maintaining and expanding its year-round school based programs in Boston high schools, middle schools, pilot schools and small school education complexes for pregnant teens, teen mothers and fathers, and other youth at high risk for school dropout; provided further, that not less than $130,000 shall be expended for the Children's Cove Cape and Islands Child Advocacy Center; provided further, that not less than $125,000 shall be expended for North End Outreach Network of Springfield; provided further, that not less than $125,000 shall be expended for the South End Community Center of Springfield, Inc.; provided further, that not less than $125,000 shall be expended for a family re-unification program operated by Aid to Incarcerated Mothers to maintain strong parent-child relationships during a mother's incarceration; provided further, that not less than $104,123 shall be expended on the Teen Parenting program at Framingham High School; provided further, that not less than $100,000 shall be expended for the operation of the Healthy Families program; provided further, that not less than $100,000 shall be expended for the Dunbar Community Center in the city of Springfield; provided further, that not less than $100,000 shall be expended for the Families United for Teens' Health; provided further, that not less than $100,000 shall be expended for Alive with Awareness, Knowledge, and Empowerment of Springfield, Massachusetts; provided further, that not less than $60,000 shall be expended by the Framingham office of the department of social services for the Metrowest Campership program operated by the Ashland youth advisory board; provided further, that not less than $50,000 shall be expended

for the purpose of providing case management services for the Amity Transitional Housing program in the city of Lynn; provided further, that not less than $50,000 shall be expended for Family Service, Inc., of Lynn; provided further, that not less than $45,000 shall be expended for a contract with Big Brothers and Sisters of Cape Cod and the Islands; provided further, that not less than $25,000 shall be expended for the Concilio Hispano in Somerville; provided further, that not less than $25,000 shall be expended for Centro Presente of Cambridge; provided further, that not less than $20,000 shall be expended for the Massachusetts Association of Portuguese Speakers of Cambridge; provided further, that not less than $20,000 shall be expended for the Haitian Coalition of Somerville; and provided further, that not less than $15,000 shall be expended for a contract with child and family services of Cape Cod for the court diversion program $281,277,809

4800-0041 For group care services; provided, that funds may be expended from this item to provide intensive community based services to children who would otherwise be placed in residential settings; provided further, that the department shall form area review teams that shall evaluate the feasibility of maintaining the child in the community in this manner wherever possible before recommending placement in a residential setting; and provided further, that the department shall provide quarterly reports to the chairs of the joint committee on children and families and the chairs of the house and senate committees on ways and means detailing the number of children diverted from residential settings, the programs in which they were placed, the associated cost savings from the diversion and any other measurements that would help assess the success of these programs in promoting the health and well-being of children $235,963,159

4800-0091 The department of social services may expend not more than $3,000,000 in federal reimbursements received under Title IV-E of the Social Security Act during fiscal year 2007 for the purposes of developing a training institute for professional development of social workers at the department of social services with the University of Massachusetts Medical School and Salem State College; provided, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur

expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that notwithstanding section 1 or any other general or special law to the contrary, federal reimbursements received in excess of $3,000,000 shall be credited to the General Fund; and provided further, that no funds shall be expended from this item for lease-purchases or the Family-Net system $3,000,000

4800-0151 For a program to provide alternative overnight non-secure placements for status offenders and nonviolent delinquent youths up to the age of 17 in order to prevent the inappropriate use of juvenile cells in police stations for such offenders, in compliance with the federal Juvenile Justice and Delinquency Prevention Act of 1974; provided, that the programs which provide the alternative non-secure placements shall collaborate with the appropriate county sheriff's office to provide referrals of those offenders and delinquent youths to any programs within the sheriff's office designed to positively influence youths or reduce, if not altogether eliminate, juvenile crime; provided further, that the department of social services shall file a report detailing the number of children in need of services as defined in section 21 of chapter 119, for whom a parent or legal guardian, police officer or supervisor of attendance appointed pursuant to section 19 of chapter 76 seeks assistance; provided further, that the department of social services shall compile this report in collaboration with the juvenile court, the department of probation, the department of mental health, the department of youth services, the department of education and the executive office of health and human services; provided further, that the review shall contain information on the demographics of the population of children served, the contacts a child has with executive of judicial agencies and departments, the service needs identified for each child, recidivism rates and the outcome of individual cases; provided further, that information identifying individual persons shall not be included in this report; and provided further, that the department of social services in collaboration with those agencies, shall report its findings to the chairs of the house and senate committees on ways and means and the chairs of

the joint committee on children and families no later than October 15, 2006 ..... $310,743

4800-1100 For the AA object class costs of the department's social workers; provided, that funds shall be directed toward mitigating social worker caseloads in those area offices furthest above the statewide weighted caseload standard and toward achieving a social worker caseload ratio of 18 to 1 statewide; provided further, that the department shall report monthly to the house and senate committees on ways and means on the current social worker caseloads by type of case and level of social worker assigned to cases, the caseload ratio of each social worker with a caseload ratio in excess of 18 to 1, the office in which each of the social workers works and the total number of social workers in excess of the 18 to 1 ratio by region; provided further, that only employees of bargaining unit 8 as identified in the Massachusetts personnel administrative reporting and information system shall be paid from this item; and provided further, that any other payroll or administrative expenses associated with the management or support of such employees shall be paid from item 4800-0015 ..... $143,124,721

4800-1400 For shelters and support services for people at risk of domestic violence; provided, that the department shall pursue the establishment of public-private partnership agreements established for family stabilization services funded from sources other than the commonwealth; provided further, that services shall include supervised visitation programs, certified batterer intervention programs for indigent batterers and their families, and scattered site transitional housing programs, including programs to assist victims of domestic violence in finding and maintaining permanent housing; provided further, that participants in battered women's programs shall be provided with information regarding local transitional housing resources; provided further, that funding shall be made available to enhance counseling services for children who have witnessed domestic violence; provided further, that funding shall be made available for emergency shelters for substance abusing battered women; provided further, that funding shall be made available for a statewide domestic violence hotline; provided further, that the department shall continue to provide any match funding required by federal program regulations; provided further, that domestic violence

prevention specialists shall be funded from this item; provided further, that not less than $1,037,000 shall be expended for the YWCA battered Women's shelter in Springfield; provided further, that not less than $100,000 shall be expended for a contract with Sylvia's Haven Inc.; and provided further, that not less than $100,000 shall be expended for a domestic violence prevention program called 'Teens-At-Risk', operated by Portal To Hope for the communities of Everett, Lynn, Malden and Medford without the need of approval by the commissioner of public health; provided further, that not less than $90,000 shall be expended for the Western Mass Women's Initiative Survivor's Project, operated by the Turners Falls Women's Center, in Berkshire, Hampden, Franklin and Hampshire Counties; provided further, that not less than $60,000 shall be expended for the Planned Learning Achievement for Youth program in Amherst, in collaboration with the department of education through an interagency service agreement; provided further, that not less than $50,000 shall be expended for the On the Rise shelter for homeless women in the city of Cambridge; provided further, that not less than $15,000 shall be expended for the Words not Weapons mentoring project in Saugus; provided further, that not less than $10,000 shall be expended for the Southern Hilltown Domestic Violence Coalition; provided further, that not less than $10,000 shall be expended for the domestic abuse response team which serves the Ipswich district court; and provided further, that not less than $10,000 shall be expended for the Melrose Alliance Against Violence $21,688,691

4800-2025 For funds to supplement existing resources in order to facilitate the implementation of the family networks system of care; provided, that the commissioner shall be authorized to transfer funds appropriated herein to items 4800-0038, 4800-0041 and 4800-1100 for the purpose of facilitating expeditious case management and coordination of services for the care and protection of children; provided further, that funds may be expended for additional social workers to ensure appropriate oversight of abuse and neglect cases; provided further, that the department shall submit a report to the house and senate committees on ways and means not later

than January 16, 2007, which shall include, but not limited to, detailed use of funds appropriated herein, the number of additional individuals able to receive services, the enhancement of supports to existing clients of the department, opportunities for caseload reduction to ensure appropriate and timely screening of abuse and neglect reports, and the addition of personnel determined to be necessary to fulfill the responsibilities of the department; and provided further, that these funds shall not annualize in fiscal year 2008 to an amount exceeding $3,000,000 ..... $3,000,000

OFFICE OF HEALTH SERVICES.

Department of Mental Health.

5011-0100 For the operation of the department; provided, that the department shall not refer or discharge a child or adolescent to the custody or care of the department of social services until the department of mental health forwards its assessment and recommendation as to whether the child or adolescent is appropriate for foster care or, due to severe emotional disturbance, is more appropriate for group care; and provided further, that notwithstanding any general or special law to the contrary, the department of mental health shall report annually to the house and senate committees on ways and means on civil commitments $39,014,072

5042-5000 For child and adolescent services, including the costs of psychiatric and related services provided to children and adolescents determined to be medically ready for discharge from acute hospital units or mental health facilities and who are experiencing unnecessary delays in being discharged due to the lack of more appropriate settings; provided, that for the purpose of funding those services, the commissioner of mental health may allocate funds from the amount appropriated in this item to other departments within the executive office of health and human services; provided further, that the department shall submit a report to the house and senate committees on ways and means not later than January 16, 2007 on the results of the collaboration between the department and the other departments within the executive office of health and human services; provided further, that the report shall detail the current status of the implementation of

clinically appropriate service models for that population of children and adolescents, remaining disparities in the service system which require children and adolescents to be served in unnecessarily restrictive or otherwise clinically inappropriate settings and changes during fiscal years 2005 and 2006 in the clinical acuity of children and adolescents; provided further, that not less than $2,500,000 shall be expended for the Child Psychiatric Access project; and provided further, that not less than $1,800,000 shall be expended from this item in fiscal year 2006 to ensure that a licensed practitioner or a licensed nurse administers medication to children and adolescents whose mental health services are delivered by public or private providers of those services $72,539,666

5046-0000 For adult mental health and support services; provided, that the department shall allocate funds in an amount not to exceed $5,000,000 from item 5095-0015, to this item, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any such transfer, for residential and day services for clients formerly receiving care at department facilities; provided further, that not less than $6,000,000 shall be expended for services for clients of the department who are aging into the adult system from the child/adolescent mental health system or other systems of care if the clients meet the clinical eligibility criteria of the department; provided further, that the department shall submit a report to the house and senate committees on ways and means no later than July 15, 2006 on the feasibility of expanding this diversion program to other regions of the commonwealth; provided further, that the department shall report to the house and senate committees on ways and means on the distribution of funds per adult and child planning population and the types of services received in each region for fiscal year 2007 not later than February 1, 2007; provided further, that not less than $2,750,000 shall be expended on the expansion of housing for the homeless mentally ill; provided further, that $200,000 shall be expended for jail diversion programs; provided further, that of that $200,000, $100,000 shall be expended for the jail diversion program in Framingham; provided further, that not less that $300,000 shall be expended to help create a pre-arrest jail diversion grant program at the Department of Mental

Health to fund five (5) new programs, but not more then $300,000 shall be expended for the creation of said programs; and provided further, that not less than $75,000 shall be expended on expansion of employment support services at the Fairwinds Clubhouse in Falmouth; provided further, that $100,000 shall be expended for the Trauma Center at Riverside Community Care for the purposes of hiring a director and to ensure rapid response to traumatic events including but not limited to suicides; and provided further, that not less than $1,900,000 shall be expended on mental health research $304,932,778

5046-2000 For homelessness services; provided, that not less than $90,000 shall be expended for the provision of health services to the homeless and un–insured by Primary Care and Mental Health, Inc. located in the city of Lynn $22,337,091

5046-4000 The department of mental health may expend not more than $125,000 in revenue collected from occupancy fees charged to the tenants in the creative housing option in community environments, the CHOICE program authorized by chapter 167 of the acts of 1987; provided, that all fees collected under that program shall be expended for the routine maintenance and repair of facilities in the CHOICE program including the costs of personnel $125,000

5047-0001 For emergency service programs and acute inpatient mental health care services; provided, that the department shall continue an interagency service agreement with the executive office of health and human services for the purchase of services and for such other services as the agreement may provide including, but not limited to, acute inpatient care and diversionary services; provided further, that the most recent savings projection from the implementation of the agreement may be expended for community services in the MM object class of this item; and provided further, that the emergency service programs shall take all reasonable steps to identify and invoice the third party insurer of all persons serviced by the programs $31,505,565

5047-0002 The department of mental health may expend not more than $5,287,427 in revenue collected from services rendered in emergency programs and acute inpatient and diversionary settings on continuing care services in the community; provided,

that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $5,287,427

5055-0000 For forensic services provided by the department; provided, that no less than $500,000 shall be expended to sustain and expand services provided through juvenile court clinics $6,607,903

5095-0015 For the operation of adult inpatient facilities, including the community mental heath centers; provided, that in order to comply with the Olmstead decision and to enhance care within available resources to clients served by the department, the department shall take steps to consolidate or close psychiatric hospitals managed by the department and shall endeavor within available resources to discharge clients residing in the inpatient facilities to residential services in the community when the following criteria are met: 1) the client is deemed clinically suited for a more integrated setting; 2) community residential service capacity and resources available are sufficient to provide each client with an equal or improved level of service; and 3) the cost to the commonwealth of serving the client in the community is less than or equal to the cost of serving the client in inpatient care; provided further, that any client transferred to another inpatient facility as the result of a facility closure shall receive a level of care that is equal to or better than the care that had been received at the closed facility; provided further, that no action to reduce the client population of the Worcester or Westborough facilities for the sole purpose of closing the hospital shall be undertaken, and no steps shall be taken to close the institution through attrition, layoffs or any other means, until a study of the hospital building plan is completed and the general court shall have approved the closure of Worcester state hospital and Westborough state hospital; and provided further, that the department may allocate funds in an amount not to exceed $5,000,000 from this item to item 5046-0000, as necessary, under allocation plans submitted to the house and senate committees on ways and means 30 days before any transfer, for residential and day services for clients formerly receiving inpatient care at the centers and facilities $164,026,488

Department of Mental Retardation

5911-1000 For the administration of the department of mental retardation; provided, that the department shall not charge user fees for transportation or community day services; and provided further, that the department shall not charge fees for eligibility determination for services provided by the department or for applications of requests for transfer of guardianship; provided further, that notwithstanding any general or special law to the contrary, in fiscal year 2007 the comptroller shall transfer from the Department of Mental Retardation Trust Fund established under section 2RRR of chapter 29 of the General Laws an amount sufficient to reflect the costs of the assessment on public facilities collected under section 27 of chapter 118G of the General Laws and an amount sufficient to fund rate increases for services provided to MassHealth members by nonpublic intermediate care facilities and community-based residences; provided further, the comptroller shall transfer the federal financial participation received as a result of expenditures funded by the assessments to an account established for the department of mental retardation to administer for the purposes described above; and provided further, that the assessments shall not be collected and the expenditures shall not be authorized until the department of mental retardation and the executive office of health and human services certify the receipt of federal approval of any home and community-based waiver amendments and related Title XIX state plan amendments, if required $13,324,093

5911-2000 For transportation costs associated with the adult services program; provided, that the department shall provide transportation on the basis of priority of need as determined by the department $14,052,195

5920-1000 For the operation of regional and area offices of the department; provided, that the department shall submit a semi-annual report to the house and senate committees on ways and means detailing the total number of service coordinators within the department, the number of consumers served by said coordinators, and the amount of time spent per month per consumer $55,914,599

5920-2000 For vendor-operated community-based residential adult services,

including intensive individual supports; provided, that $9,520,000 shall be expended in annualized funding for turning 22 clients who began receiving the services in fiscal year 2006 pursuant to item 5920-5000 of section 2 of chapter 45 of the acts of 2005; provided further, that $8,250,000 shall be expended for the fiscal year 2006 annualized cost of the settlement agreement Rolland vs. Cellucci, Cellucci and $5,000,000 shall be expended for the fiscal year 2007 cost of the settlement; provided further, that the commissioner of the department of mental retardation shall transfer funds from this item to item 5920-2010, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of said funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days before any such transfer; provided further, that not more than $5,000,000 shall be transferred from this item in fiscal year 2007; provided further, that not less than $100,000 shall be allocated for Special Olympics for the purpose of unified sports; provided further, that not less than $500,000 shall be expended for Best Buddies Massachusetts; and provided further, that not less than $50,000 shall be expended for the Advocacy Resource Center in New Bedford to provide critical family support services in the area of community-based resident education for special needs children; and provided further, that not less that $100,000 shall be provided for GROW in Stoughton . . . $524,742,492

5920-2006 For the implementation of a residential rate initiative; provided, that the department shall submit a report to the house and senate committees on ways and means no later than January 18, 2007 detailing the use of these funds to establish a rate system for vendor operated residential services $2,000,000

5920-2010 For state-operated community-based residential services for adults, including community-based health services for adults; provided, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item $121,998,709

5920-2020 For compliance with the terms of the settlement agreement, dated December 19, 2000, and entered into by the parties of Boulet v. Cellucci, Civil Action No. 99-CV-10617- DPW, filed in the United States District Court of Massachusetts in order to

provide services to the clients of the department on the waiting list on July 14, 2000 ..... $86,361,602

5920-2025 For community-based day and work programs for adults and for $2,720,000 in annualized funding for Turning 22 clients who began receiving services in fiscal year 2006 under item 5920-5000 of section 2 of chapter 45 of the acts of 2005; provided, that an additional $304,000 shall be expended on a contract with Work, Inc. for enhanced or expanded services to clients; and provided further, that not less that $100,000 shall be expended for the Life Focus Center in the Charlestown section of the City of Boston $117,434,430

5920-3000 For respite services and intensive family supports and for $1,360,000 in annualized funding for Turning 22 clients who began receiving services in fiscal year 2006 pursuant to item 5920-5000 of section 2 of chapter 45 of the acts of 2005; provided, that the department shall pursue the highest rates of federal reimbursement possible for such services $53,094,228

5920-3010 For contracted support services for families with autistic children through the autism division at the department of mental retardation; provided, that not less than $200,000 shall be expended for the purposes of a contract with Melmark New England, Inc. to provide training and support to families, educational collaboratives and public school districts on methods for coping with behavioral challenges associated with children who have autism spectrum disorders; provided further, that the home and community-based services waiver application submitted under chapter 107 of the acts of 2005 shall be submitted no later than July 31, 2006; provided further, that at a minimum, this waiver shall include children with autism spectrum disorder ages 0-8, including children with autism spectrum disorder ages 0-3 receiving services through the department of public health; provided further, that no less than $2,000,000 shall be expended for the purposes of providing services under this waiver;; provided further, that the department shall report to the house and senate committees on ways and means and the joint committee on education on the number of contracted support services provided for families with autistic children under this item, and the costs associated with those services, not later than March 1, 2007; and provided further, that the department shall

submit copies of this waiver to the house and senate committees on ways and means and the joint committees on education no later than July 31, 2006 ..... $3,000,000

5920-5000 For services to clients of the department who turn 22 years of age during state fiscal year 2007; provided, that the amount appropriated under this item shall not annualize to more than $17,664,660 in fiscal year 2008; provided further, that the department shall report to the house and senate committees on ways and means not later than January 2, 2007, on the use of any funds encumbered or expended from this item including, but not limited to, the number of clients served in each region and the types of services purchased in each region $8,500,000

5930-1000 For the operation of facilities for the mentally retarded, including the maintenance and operation of the Glavin Regional Center; provided, that in order to comply with the provisions of the Olmstead decision and to enhance care within available resources to clients served by the department, the department shall take steps to consolidate or close intermittent care facilities for the mentally retarded, in this item called 'ICF/MRs', managed by the department and shall endeavor, within available resources, to discharge clients residing in the ICF/MRs to residential services in the community if the following criteria are met: 1) the client is deemed clinically suited for a more integrated setting; 2) community residential service capacity and resources available are sufficient to provide each client with an equal or improved level of service; and 3) the cost to the commonwealth of serving the client in the community is less than or equal to the cost of serving the client in ICF/MRs; provided further, that any client transferred to another ICF/MR as the result of a facility closure shall receive a level of care that is equal to or better than the care that had been received at the closed ICF/MR; provided further, that the department shall report to the joint committee on human services and the house and senate committees on ways and means on the progress of this initiative, including both past actions and proposed future actions; provided further, that the report shall include information relative to the status of residents of the Fernald Developmental Center; provided further, that the report shall include: the number of clients transferred from facility care into the

community, the community supports provided to clients discharged from facility care into the community and the current facility bed capacity relative to the number of clients in ICF/MRs managed by the department; provided further, the report shall also include steps being taken to help minimize increases in travel distances for family members visiting clients at ICF/MRs resulting from the transfer of clients from one ICF/MR to another; provided further, that the department shall submit the report no later than February 15, 2007; provided further, that the Fernald Development Center shall not be closed before October 31, 2006 to ensure adequate community, client, and family member input into the closure planning process; provided further, that the department of mental retardation shall submit a plan regarding community transitions from ICF/MRs by January 1, 2007 to the house and senate committees on ways and means; provided further, that this plan shall detail the transition of clients from the school to appropriate settings; provided further, that the plan shall include consideration for the transition of employees of the school into community setting with their clients in order to ensure continuity of service wherever possible; provided further, that the plan shall be subject to the approval of the house and senate committees on ways and means; provided further, that the department may allocate funds from this item to items 5920-2000, 5920-2010, and 5920-2025, as necessary, under allocation plans submitted to the house and senate committees on ways and means 30 days before any transfer, for residential and day services for clients formerly receiving inpatient care at ICF/MRs; and provided further, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item $172,013,458

5982-1000 The department of mental retardation may expend not more than $100,000 accrued through the sale of milk and other farm-related and forestry products at the Templeton Developmental Center for program costs of the center, including supplies, equipment and maintenance of the facility; provided, that notwithstanding any general or special law to the contrary and for the purpose of accommodating timing discrepancies

between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system..... $100,000

EXECUTIVE OFFICE OF TRANSPORTATION.

Office Of The Secretary.

6000-0100 For the office of the secretary of transportation; provided, that the office shall collaborate with the department of transitional assistance in its efforts to develop a program of transportation services for current and former recipients of the transitional aid to families with dependent children program pursuant to item 4401-1000; provided further, that the office shall submit to the joint committee on transportation and the house and senate committees on ways and means monthly reports detailing projects funded through the statewide transportation improvement program including, but not limited to, the location of the projects, the cost of the projects, the date of advertisement of the projects, the commencement date of the projects, the projected completion date of the projects and the source of funds for the projects; provided further, that the office shall also provide the committees with quarterly reports detailing construction and reconstruction projects on town and county ways as described in paragraph (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws for which municipalities are projected to seek, have filed claims or have been paid state reimbursement; provided further, that a city or town shall comply with the procedures established by the secretary to obtain the necessary information to produce the reports; provided further, that the reports shall include, but not be limited to, the cost of the projects by city or town, the source of funding of the projects by city or town and the commencement and completion dates of the projects by city or town; provided further, that the secretary of the executive office of transportation, in collaboration with the commissioner of highways, shall file a report each year with the joint committee on transportation and the house and senate committees on ways and means not later than June 30, 2007; provided further, funds may be expended for costs

associated with the special transportation finance commission established under section 13 of chapter 196 of the acts of 2004; provided further, that the report shall include spending in the commonwealth through the statewide road and bridge program, the Chapter 90 program, the Small Town Road Assistance Program and all other programs expending funds for road and bridge projects within the commonwealth; provided further, that the report shall detail the location of the project by city or town, a brief project description, the project cost, the expected completion date, the source of funding and any other information deemed necessary; provided further, that the office shall submit to the house and senate committees on ways and means quarterly reports detailing all personnel-related expenditures made from capital funds; provided further, that the reports shall delineate for the executive office and for each agency, board, authority or commission under its control, the amounts paid in the prior quarter as compensation for each type of position assigned to capital projects that were charged to each such funding source; provided further, that the reports shall also delineate by funding source any other amounts paid for personnel-related costs that were charged to those funds, including payroll allocations for budgetary employees, fringe recovery and other chargebacks; provided further, that the reports shall identify the number of full time equivalent personnel classified in each position type; provided further, that the reports shall list all employees who are paid from this item and items 6010-0002 and 6006-0003 who also receive payments from any capital funds; provided further, that the reports shall include for each of those employees how much money the employees receive from the items and how much money each employee receives from any capital funds; provided further, that the reports shall delineate the information for full-time employees, part-time employees and contracted personnel; provided further, that agencies within the executive office may, with the prior approval of the secretary, streamline and improve administrative operations pursuant to interdepartmental service agreements; provided further, that the secretary shall transfer employees from the registry of motor vehicles and the Massachusetts aeronautics

commission to improve administrative efficiencies as outlined in chapter 196 of the acts of 2004; provided further, that the executive office of transportation shall file a report with the house and senate committees on ways and means not later than February 4, 2007 detailing the merger of the staff that were transferred from the registry of motor vehicles and the Massachusetts aeronautics commission; and provided further, that said report shall include, but not be limited to, the following: (1) the number of full time equivalent positions delineated by, item of appropriation and position number, job title and job code for that are transferred to this item of appropriation, (2) any efficiencies that have been achieved from said merger, including a list of internal support services such as finance, human resources, planning, engineering, and management, (3) details of how the staff have been reassigned and how they have adjusted to said merger, (4) a list of all duplicative efforts and inefficient systems that have been eliminated, (5) a list of any resources that have been shared, and (6) a list of any other efficiencies that have been achieved because of said merger; provided further, that $50,000 shall be expended for the purpose of a grant to the Northampton Youth and Community Rowing Association $5,077,253

Highway Fund 100.0%

6000-0110 For the purpose of property management and maintenance of railroad properties owned by the executive office of transportation on behalf of the commonwealth, including the cost of personnel; provided, that the office may expend an amount not to exceed $27,344 from the rents and fees received pursuant to section 4 of chapter 161C of the General Laws $27,344

6000-0200 For the inter-district transportation program; provided, that this program shall include maintenance and expansion on routes serviced through the inter-district transportation program in fiscal year 2006; provided further, in fiscal year 2007 the level of service shall remain the same as fiscal year 2006; provided, that the program shall be administered by the executive office of transportation; provided further, that the executive office of transportation shall negotiate an extension of all existing contracts for fiscal year 2007; provided further, that before the execution of the extensions, and at the end of fiscal year 2007,

the executive office shall request and each contractor shall provide all necessary books, materials, records and other compilations of data from each contractor to establish the appropriate state subsidy associated with each bus route; and provided further, that the compilations of data shall be made available to the senate and house committees on ways and means and the joint committee on transportation not later than December 15, 2006 ..... $2,000,000

6005-0015 For certain assistance to the regional transit authorities, including operating grants and reimbursements to increase the accessibility of transit provided to the elderly and disabled under the mobility assistance program, the regional transit authority program, and the inter-city bus capital assistance program; provided, that the commonwealth, acting by and through the executive office for administration and finance, for the period beginning July 1, 2006 and ending June 30, 2007, may enter into contracts with the authorities; provided further, that notwithstanding section 152A of chapter 161, and section 23 of chapter 161B of the General Laws, the amount shall be at least 50 per cent and up to 75 per cent of the net cost of service of each authority incurred in fiscal year 2006 shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities; provided further, that the share assessed upon the cities and towns shall be at least 25 per cent of the net cost of service; provided further, that in the event that 25 per cent of the net cost of service of each authority exceeds 102.5 per cent of the previous year's local assessment, excluding payments made by cities and towns for the costs of new service, for which the cities and towns have not previously been assessed, as allowed by chapter 580 of the acts of 1980, the regional transit authority shall reduce its operating expenses or increase its revenues to meet the difference; provided further, that operating expenditures of each of the regional transit authorities for fiscal year 2007 shall not exceed 102.5 per cent of its operating expenditures for fiscal year 2006; provided further, that for the purposes of this item, operating expenditures shall not include federal, private or additional municipal non-state revenue sources or any expenses arising from the provision of services required by the Americans with

Disabilities Act, or new services implemented after July 1, 1999 in an amount not to exceed a total of $3,613,905 for the 15 regional transit authorities; provided further, that the new services must have first received approval of the appropriate regional transit authority advisory board; provided further, that not less than 25 per cent of the net cost of service of the new services shall be assessed to the cities and towns of the appropriate transit authority, as detailed previously in this item; provided further, that each regional transit authority which provides the new services must file a report with the house and senate committees on ways and means and the joint committee on transportation, detailing the total costs and revenues associated with the new service; provided further, that the cost of the new services shall not annualize to more than $3,613,905; provided further, that not later than January 1, 2007, each of the 15 regional transit authorities shall submit to the house and senate committees on ways and means a report detailing any and all revenues collected as a result of services provided under item 4401-1000; provided further, that the executive office of transportation shall work cooperatively with the authorities and other public and private funding sources to maximize new revenues sources to expand transit services; provided further, that the authorities and the executive office of transportation shall develop processes and procedures for contracts for services with other state agencies; provided further, that the executive office of transportation and the authorities shall develop a 5-year transit plan for operational and capital objectives that the parties may measure against and plan toward and shall file the plan with the house and senate committees on ways and means no later than April 1, 2007; provided further, that the executive office of transportation and the authorities shall work cooperatively to implement multi-year contracting for regional transit authority capital projects, particularly for construction projects and other multi-year commitments of the authorities; provided further, that the regional transit authorities shall implement structural, managerial and administrative reforms in order to achieve cost savings in services provided by the authorities; provided further, that the reforms shall include, but not be limited to, improved financing procedures for capital needs, approved plans for short and long-term service,

a coordinated program of mass transportation for the regional transit authorities that provides standards of service for the authorities for types of service, passenger miles, hours of service, cost of service by route and mile and passenger, non-transportation revenue and system revenue generating options including, but not limited to, fare revenue and advertising revenue, assessments on member cities and towns, net operating investment per passenger-mile ratio and service quality standards; provided further, that the program shall involve an approach to service coordinated with the Massachusetts Bay Transportation Authority and other transit providers in order to achieve maximum efficiency of regional transit authority service routes; provided further, that all regional transit authorities shall achieve the fare and/or revenue recovery ratio of 40 per cent within 18 months from the effective date of this act; and provided further, that the Massachusetts Association of Regional Transit Authorities shall, on or before November 15, 2006, report to the joint committee on transportation and the house and senate committees on ways and means on the operations of the authorities in the first half of fiscal year 2007, and focus the report on the reforms and improvements $51,737,200

General Fund 80.0%

Highway Fund 20.0%

6006-0003 For the administration of the commission, including the expenses of the commissioners $469,533

Department Of Highways.

6010-0001 For personnel costs of the department of highways, for certain administrative and engineering expenses and equipment of the highways commission, the office of the commissioner of highways, the division of administrative services, highway engineering, highway maintenance, highway construction, the outdoor advertising board, district and other highway activity offices, materials, supplies, fleet maintenance and equipment, general maintenance and equipment and the maintenance and operation of state highways and bridges, and for the costs associated with the global positioning system program; provided, that no expenditures shall be made from the AA object code; provided further, that notwithstanding any general or special law to the contrary, the department may expend from

capital authorizations amounts necessary to cover operational costs of the department in excess of amounts appropriated in this item to ensure that adequate staffing levels are maintained to support the services and programs offered by the department; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means detailing all amounts expended on bond-funded capital projects under the jurisdiction of the department, and for all administrative and personnel expenses of the department charged to such bonds; provided further, that the reports shall be filed not later than 30 days after the end of each quarter; provided further, that notwithstanding any administrative bulletin or general or special law to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the division of operational services; provided further, that the department shall not be subject to section 36A of chapter 30 of the General Laws and section 22 of chapter 7 of the General Laws, submit to the secretary of transportation for approval requests to repair said vehicles costing in excess of the limit set forth in said section 7; provided further, that $75,000 shall be expended for the operation of the Adult and Family Literacy Center at the Multi-Modal Transportation facility in Holyoke; provided further, that $30,000 shall be expended for a highway traffic study in Mendon; provided further, not withstanding any general or special law to the contrary, that $50,000 shall be expended to repair the property located at 492 Gorham Street, Lowell; provided further, that $350,000 shall be expended for the new Boston street bridge in Woburn; provided further, that the costs of routine highway maintenance chapter provided by private and union workers in contract areas 1A, 1B, 2A, 2B, 3A, 3B, 3C, 4A, 4B, 4C, 4D, 5A, 5B, and 5C and for costs associated with police services and overtime within the areas shall be paid from this item; provided further, that $90,000 shall be made available for all contractual contingency costs associated with highway maintenance in said areas; provided further, that not less than $25,000 shall be expended for a transportation pilot program in Hopedale; and provided further, that the department shall submit quarterly reports to the house and senate committees

on ways and means detailing for each contract area expenditures for the costs of contractual contingency fees, personnel, police services, overtime, materials, and vehicle repairs $17,278,815
Highway Fund 100.0%

6010-0002 For AA object class payroll costs of item 6010-0001; provided, that the funds appropriated in this item shall be the only source of funding for all overtime expenses associated with the department's snow and ice control efforts; provided further, that the department shall develop a plan that, by June 30, 2010, shall phase into the budgetary appropriation all personnel costs transferred to capital authorizations since June 30, 2002 ..... $19,903,334

6010-0003 The department of highways may expend revenues collected up to $7,000,000 from revenue generated from promotional programs; provided, that funds collected are to be used for the management of that program and for highway maintenance costs; provided further, that the department shall prepare a report delineating the proposed allocation of funds to be expended for the management of that program and highway maintenance costs; provided further, that the report shall be filed with the house and senate committees on ways and means 30 days before any encumbrance of the funds; and provided further, that the program and any expenditures made under the program must comply with all statutes, rules and regulations governing billboards, signs and other outdoor advertising devices $7,000,000
Highway Fund 100.0%

6030-7201 For the cost of hired and leased equipment, vehicle repair, fuel costs, and sand, salt, and other control chemicals used for snow and ice control $20,000,000

Massachusetts Aeronautics Commission.

6006-0003 For the administration of the commission, including the expenses of the commissioners $551,491

Board of Library Commissioners.

7000-9101 For the operation of the board of library commissioners $1,000,732

7000-9401 For state aid to regional public libraries; provided, that the board of library commissioners may provide quarterly advances of funds for purposes authorized by clauses (1) and (2) of section

19C of chapter 78 of the General Laws, as it considers proper, to regional public library systems throughout each fiscal year, in compliance with the office of the comptroller's regulations on state grants, 815 CMR 2.00; provided further, that notwithstanding said section 19C of said chapter 78 or any other general or special law to the contrary, the Boston public library shall, as the library of last recourse for reference and research services for the commonwealth, be paid from this item an amount equal to $1.06 per resident in the commonwealth; and provided further, that notwithstanding any general or special law to the contrary, in calculating the fiscal year 2007 distribution of funds appropriated in this item, the board of library commissioners shall employ population figures used to calculate the fiscal year 2006 distribution $15,730,361

7000-9402 For the talking book library at the Worcester public library $390,000

7000-9406 For the Braille and talking book library at Watertown, including the operation of the machine lending agency; provided, that not less than $50,000 shall be expended for the National Federation of the Blind Newsline Program $2,182,175

7000-9501 For state aid to public libraries; provided, that notwithstanding any general or special law to the contrary, no city or town shall receive any money under this item in any year when the appropriation of the city or town for free public library services is below an amount equal to 102.5 per cent of the average of the appropriations for free public library service for the 3 years immediately preceding; provided further, that notwithstanding any general or special law to the contrary, the board of library commissioners may grant no more than 55 additional waivers in excess of the waiver limit set forth in the second paragraph of section 19A of chapter 78 of the General Laws in fiscal year 2007 for a period of not more than 1 year; provided further, that notwithstanding any general or special law to the contrary, of the amount by which this item exceeds the amount appropriated in chapter 194 of the acts of 1998, funds shall be distributed under the guidelines of the municipal equalization grant program and under the guidelines for the library incentive grant program; and provided further, that any payment made under this item shall be deposited with the treasurer of the city or town and held as a separate account and shall be expended by the public

library of that city or town without appropriation, notwithstanding any general or special law to the contrary $9,289,844

7000-9506 For the technology and automated resource sharing networks $2,833,000

7000-9507 For the purposes of implementing a public library matching incentive grant program; provided, that a 50 cent state match shall be made for each dollar local trustees and public library foundations raise; provided further, that eligible state matching funds shall be made available to municipalities that raise at least $2,000 and only up to $100,000 raised; and provided further, that funds from this item shall be made available to the local public library trustees for the enhancement of library services and shall not be used as part of the local match for an approved public library project as defined in section 19H of chapter 78 of the General Laws or to meet the appropriation requirement as defined in section 19A of chapter 78 of the General Laws $250,000

7002-0010 For the office of the secretary of the executive office of economic development; provided, that agencies within the executive office, may, with the prior approval of the secretary, streamline and improve administrative operations pursuant to interdepartmental service agreements $404,329

7002-0012 For a youth-at-risk program targeted at reducing juvenile delinquency in high risk areas of the commonwealth; provided, that $500,000 of these funds shall be matched by private organizations; provided further that funds not expended by October 1, 2007 shall be re-allocated to existing year-round youth employment programs; provided further that not less than $100,000 shall be expended an at-risk juvenile program in Salisbury $4,700,000

Department of Labor

7002-0001 For the operation of the department of labor $209,947

7002-0200 For the operation of the division of occupational safety; provided, that the division may employ staff not subject to chapter 31 of the General Laws for a program to evaluate asbestos levels in public schools and other public buildings; and provided further, that funds shall be expended from this item for the GG object class costs of the board of conciliation and arbitration, the division of apprentice training, the labor relations commission and the division of occupational safety $2,561,755

7002-0201 The division of occupational safety may expend an amount not to exceed $152,850 received from fees authorized under section 3A of chapter 23 of the General Laws $152,850

7002-0500 For the operation and administrative expenses of the division of industrial accidents; provided, that not less than $800,000 shall be expended for occupational safety training grants; provided further, that said division shall submit a report not later than February 1, 2007 to the house and senate committees on ways and means detailing the scope, objective and results of grant recipients' safety training program; provided further, that the General Fund shall be reimbursed the amount appropriated in this item and for associated indirect and direct fringe benefit costs from assessments levied pursuant to section 65 of chapter 152 of the General Laws; provided further, that the division shall assign a judge to hear cases in the county of Berkshire not less than once a month; and provided further, that the treasurer may release to the division, subject to adequate and appropriate documentation of the need, to the workers' compensation advisory council and the affirmative vote of at least 7 members of the workers' compensation advisory council, sufficient funds from the special reserve account established in clause (c) of subsection (4) of said section 65 of said chapter 152 to pay for expenses to continue expansion of the conversion of the agency's computer system from unify to oracle $20,406,316

7002-0600 For the operation of the labor relations commission $936,347

7002-0700 For the operation of the joint labor management committee for municipal police and fire $538,126

7002-0800 For the operation of the board of conciliation and arbitration $790,043

DEPARTMENT OF WORKFORCE DEVELOPMENT.

7002-0100 For the administration of the department of workforce development, including the divisions under the control of the department; provided, that on January 4, 2007 the director of the department of workforce development shall submit to the house and senate committees on ways and means a comprehensive report describing in detail the job training services, including labor exchange, skills training and remedial education services related thereto which have been

provided during the course of the fiscal year in the commonwealth, describing the systems for delivery of such services, describing the costs of such services and the sources of revenue for such services; provided further, that not less than $35,000 shall be expended for a Job Vacancy Survey $168,656

7002-0101 For the operation of the apprentice training program; provided, that no position in the apprentice training division shall be subject to chapter 31 of the General Laws; provided further, that notwithstanding any general or special law to the contrary, the deputy director shall require each apprentice entering into a written agreement to submit an application to the division for an apprentice identification card; provided further, that an apprentice identification card shall contain the photograph of the apprentice, the apprentice registration number or another number that the deputy director requires, the name and business address of the appropriate apprenticeship committee or single employee sponsor, the steps of progression and related dates applicable to the apprentice, and the projected date on which the apprentice is to complete the apprenticeship; provided further, that as a condition of his apprenticeship the apprentice shall keep the apprentice identification card on his person during his hours of employment during the apprenticeship; provided further, that any apprentice performing work on a project or projects subject to this item shall maintain in his possession an apprentice identification card; provided further, that any apprentice who is determined by the deputy director to be not enrolled in related classroom instruction classes shall be paid at the journey level rate for the duration of the public works project or projects; and provided further, that for every week in which an apprentice is employed by a contractor, subcontractor, or public body subject to this section, a photocopy of the apprentice's apprentice identification card, shall be attached to the records submitted under this item $434,792

7003-0604 For the career ladder grant program in long-term care established under section 410 of chapter 159 of the acts of 2000; provided, that grants shall be available for certified nurses' aides, home health aides, homemakers and other entry level workers in long-term care; provided further, that the grants may include training for English for speakers of other languages

and other language and adult basic education programs to improve quality of care and improve direct care worker access to and participation in career ladder training; provided further, that the length of these grants shall not exceed a period of 3 years; provided further, that the Commonwealth Corporation shall submit quarterly reports to the house and senate committees on ways and means on this grant program including, but not limited to, the number of grants awarded, the amount of each grant, a description of the career ladder programs, changes in care-giving and workplace practices that have occurred and their impact on quality of care and worker retention and the certificates, degrees or professional status attained by each participating employee; provided further, that the administrative and program management costs for the implementation of the grant program shall not exceed 4 per cent of the amount appropriated in this item; and provided further, that each grant may include funding for technical assistance and evaluation $1,500,000

7003-0605 For the operation and maintenance of the Massachusetts Manufacturing Extension Partnership Inc. for the purpose of maintaining and promoting manufacturing as an integral part of the Massachusetts economy $850,000

7003-0701 For grants and technical assistance administered by the department of workforce development, under section 2RR of chapter 29 of the General Laws and for the cost of collecting the assessment established in section 14L of chapter 151A of the General Laws; provided, that the department of workforce development shall provide a report on the grants and technical assistance programs authorized in this item detailing the firms receiving grants, by number of employees, revenues, and industry, to the house and senate ways and means committee by January 15, 2007; provided further, that the report shall include specific measures of how grant recipients were able to increase job growth, retention rates, and productivity as a result of the grants; provided further, that the report shall include measures of whether training participants received promotions and increased incomes as a result of training; provided further, that not more than $3,000,000 shall be expended for direct technical assistance under clause (2) of subsection (b) of said section 2RR of said chapter 29; provided further, that of this $3,000,000, not less than $75,000

shall be provided to the Workforce Investment Board Association to support the activities of business, labor, education, youth councils, and community members in leading regional workforce development systems; provided further, that of this $3,000,000, each of the 16 workforce investment boards shall receive $75,000 in fiscal year 2007; provided further, that of this $3,000,000, each of the boards shall receive $20,000 for youth councils; and provided further, that the director shall demonstrate that each dollar expended generates not less than $5 in private investment in job training $21,000,000

Workforce Training Fund 100.0%

7003-0702 For grants to be administered by the department of workforce development; provided, that not less than $900,000 shall be expended on the Massachusetts Service Alliance; provided further, that not less than $750,000 shall be expended for a high school science program in biotechnology by Commonwealth Corporation, in consultation with the Massachusetts Biotechnology Council, including teacher and guidance counselor training, biotechnology lab equipment, and biotechnology lab supplies evaluation and technical assistance; and provided further, that an additional sum of not less than $200,000 shall be held in reserve as a matching fund, to be release to the Commonwealth Corporation for the above-referenced high school science teacher training program upon a 100 per cent match from the private sector; provided further, that not less than $500,000 shall be expended for education, career development and employment service programs operated by the Urban League of Massachusetts; provided further, that not less than $500,000 shall be expended on the Commonwealth Corporation; provided further, that not less than $400,000 shall be expended to provide employment, training and job placement by Year Up, Inc. of Boston; provided further, that not less than $500,000 shall be expended for the Jackson Appleton Middlesex Urban Revitalization; provided further, that not less than $500,000 shall be available for the Massachusetts Alliance for Small Contractors for the purpose of providing technical-assistance, education, capacity-building and support services to small businesses, minority owned businesses and women businesses in prequalification and certification process required pursuant

to chapter 193 of the acts of 2004; provided further that not less than $350,000 shall be expended to fund need-based workforce development related to continuing education grants administered by the Access Program of Boston; provided further, that not less than $300,000 shall be expended for a hospital skill training program operated by the Commonwealth Corporation; provided further that not less than $300,000 shall be expended for Radius Specialty Hospital; provided further, that not less than $250,000 shall be expended for a gang intervention prevention program called the Senator Charles E. Shannon Jr. At-Risk Youth Project in Somerville, operated by the Center for Teen Empowerment, Inc., for the community of Somerville; provided further; that not less than $250,000 shall be expended for the Center for Women & Enterprise; provided further, that not less than $250,000 shall be expended to support the Technology Initiative of the Metro South/West Regional Employment Board for the development of the Technology Centers of Excellence serving the region's youth and business but the grant shall require a 200 per cent match from the private sector; provided further, that not less than $250,000 shall be expended for the 495/MetroWest Corridor Partnership; provided further, that not less than $250,000 shall be expended for a Farm Workers' Council serving low income people and the Hispanic population in western Massachusetts; provided further, that not less than $200,000 shall be expended for Centro Latino de Chelsea to provide workforce training, educational services and other transitional services in the city of Chelsea; provided further, that not less than $200,000 shall be expended to the Western Massachusetts Enterprise Fund; provided further, that not less than $200,000 shall be expended for a health center skill training program on Lower and Outer Cape Cod; and provided further, that not less than $200,000 shall be expended for the Women's Career Mentoring Program operated by the Jewish Vocational Service's Center for Careers and Lifelong Learning and The Women's Union Woman to Woman Program; provided further that not less than $200,000 be expended for the Massachusetts Career Development Institute located in Springfield; provided further, that not less than $200,000 shall be expended on the

Southeastern Economic Development Corporation's microenterprise programs as a supplemental match to conduct an entrepreneurial training and technical assistance program for support of emerging high-growth microenterprises that are owned by or employ income-eligible residents; provided further, that not less than $195,000 shall be expended for 3 full-time equivalent rapid response labor specialists at the Massachusetts AFL - CIO; provided further that $150,000 shall be expended for the supportive housing program in the city of Fall River; provided further, that not less than $150,000 shall be expended for the Martin Luther King, Jr. Business Empowerment Center in the city of Worcester; and provided further, that not less than $150,000 shall be expended for the Latino After School Initiative (LASI) Youth Development Project; provided further, that not less than $139,500 shall be expended for Just-a-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed or displaced workers, or persons receiving benefits from transitional aid to families with dependent children; provided further, that not less than $135,000 shall be expended for incumbent worker coordinators at the Massachusetts AFL - CIO; provided further, that not less than $127,000 shall be expended for the Massachusetts Office of Employee Involvement and Ownership; provided further, that not less than $125,000 shall be expended for a new job training initiative by Cape Cod Healthcare, and other health care institutions participating in the 1199 SEIU Training and Upgrading Fund; provided further, that not less than $105,000 shall be made available to the E-Team Machinist Program in the city of Lynn; provided further, that not less than $100,000 shall be provided to the Workforce Investment Association of MA, Inc. for the purpose of assisting administrators, career center directors, and fiscal agents; provided further that not less than $100,000 shall be expended for the Springfield Technical Assistance Program to be operated by the Affiliated Chambers of Commerce of Greater Springfield; provided further, that $100,000 shall be expended for the Boston Health Care and Research Training Institute; provided further, that not more than $100,000 shall be expended for both the Reunion Center

in the town of Easthampton and the Easthampton Youth Entrepreneurship Project; provided further, that not less than $100,000 shall be expended for Centro Las Americas to provide workforce training, educational services and other transitional services in the city of Worcester; provided further, that not less than $100,000 shall be expended to Inquilinos Boricuas en Accion for the Pathways to Technology Initiative; provided further, that not less than $100,000 shall be expended on the Lower Pioneer Valley Educational Collaborative for the purpose of expanding their electrical, plumbing, heating, ventilation and air conditioning apprenticeship programs; provided further, that not less than $95,000 shall be expended for the Mature Workers Program of the Cape and Islands Workforce Investment Board; provided further, that not less than $80,000 shall be expended for the retraining of pile drivers for employment in the offshore gas pipeline industry; provided further that not less than $75,000 shall be expended to the Partners for a Healthier Community to implement the Springfield Health Careers Partnership Program, so-called, in the City of Springfield; provided further, that not less than $75,000 shall be expended for a business retention program in the town of Millville to be operated by the Blackstone Valley Chamber of Commerce; provided further, that not less than $60,000 shall be expended to continue the economic development project operated by the Arlington Neighborhood Association in the city of Lawrence; provided further, that not less than $50,000 shall be expended for a human service academy pilot program to be operated by People Inc. of Fall River; provided further, that not less than $50,000 shall be expended for the Allston-Brighton vocational adjustment center for the continued operation of a job training and placement center; provided further, that not less than $9,000 shall be expended for Quincy Asian Resources, Inc. to provide outreach and services to the Asian American community; provided further, that not less than $7,500 shall be provided for the Bonnie Brae Camp in the city of Gardner; and provided further, that not less than $6,000 shall be spent for the purpose of training municipal employees to use technology $9,634,000

Workforce Training Fund 100.0%

7003-0803 For one-stop career centers chartered by local workforce investment boards as a major source of information, training and labor exchange and job placements in Massachusetts; provided, that not less than $2,750,000 shall be expended for one-stop career centers that were in existence on May 1, 1997, located in the Boston, Hampden county and the metro north service delivery areas and any satellite offices of those centers which opened on or before December 1, 1997; provided further, that not less than $1,000,000 shall be expended for one-stop career centers that opened after January 1, 1999; provided further, that each career center shall inform unemployed or underemployed residents and individuals with low educational skill levels or limited English proficiency who seek assistance from the center of the full range of education and training programs available to them and recipients of transitional aid to families with dependent children benefits who seek assistance from the center, the availability of jobs in the professions for which such programs prepare participants, and the average wage rates in such professions within the commonwealth; provided further, that such information shall encompass certified nurses aide training programs, job availability and wage rates; provided further, that the department of workforce development shall conduct an annual evaluation of the use of one-stop career centers including, but not limited to, the numbers of individuals and employers served in each region, the services provided by each one-stop career center, the number of persons served by and costs of operating the connecting unemployment insurance claimant initiative in one-stops, and the costs of providing each person served the range of one-stop career services; provided further, that the department shall provide an analysis of the level of funds needed to adequately support the services at one-stop career centers; provided further, that the director shall annually, by September 31, report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development on the status of the evaluation herein required and the allocation of said funds; provided further, that said appropriation shall support the operations of existing one-stop

career centers; and provided further, that not less than $200,000 shall be expended to the Central Massachusetts Regional Employment Board for the operations of one-stop career centers 4,000,000

Department of Housing and Community Development.

7004-0000 For the commonwealth development coordinating council; provided, that not less than 30 days before entering into any interagency service agreement, the council shall report in writing to the house and senate committees on ways and means a description of the agreement, including its purpose, the employees expected to be affected, and the estimated amount of the funds involved; provided further, that not later than September 15, 2006 said council shall submit a report detailing its fiscal year 2006 payroll, operational and administrative expenditures to the house and senate committees on ways and means; provided further, that said report shall detail all sources of funding used in fiscal year 2006 and an explanation of all funds expended in excess of the amount appropriated in this item in fiscal year 2006; and provided further, that no funds appropriated herein shall be expended or encumbered after September 16, 2006 unless said report has been submitted to the house and senate committees on ways and means $246,720

7004-0001 For the Indian affairs commission; provided, that not less than $100,000 shall be expended for the development of a Native American Institute to be developed in conjunction with the Massachusetts Commission on Indian Affairs and Tribal Leaders in Massachusetts $201,520

7004-0099 For the operation of the department of housing and community development; provided, that notwithstanding any general or special law to the contrary, the department may make expenditures for the purposes of the department against federal grants for certain direct and indirect costs under a cost overhead allocation plan approved by the comptroller; provided further, that the comptroller shall maintain an account on the Massachusetts management accounting and reporting system for the purpose of making these expenditures; provided further, that expenditures made against the account shall not be subject to appropriation and may include the cost

of personnel; provided further, that notwithstanding any general or special law, rule, or regulation to the contrary, the department of housing and community development may conduct annual verifications of household income levels based upon state tax returns for the purposes of administering the state and federal housing subsidy programs funded in items 7004-9005, 7004-9009, 7004-9014, 7004-9019, 7004-9020, 7004-9024, 7004-9030, 7004-9033 and 7004-9316; provided further, that as a condition of eligibility or continued occupancy by an applicant or a tenant, the department may require disclosure of the social security number of an applicant or tenant and members of the applicant's or tenant's household for use in verification of income eligibility; provided further, that the department may deny or terminate participation in subsidy programs for failure by an applicant or a tenant to provide a social security number for use in verification of income eligibility; provided further, that the department may also consult with the department of revenue, the department of transitional assistance or any other state or federal agency which it considers necessary to conduct this income verification; provided further, that notwithstanding any general or special law to the contrary, these state agencies shall consult and cooperate with the department and furnish any information in the possession of the agencies including, but not limited to, tax returns and applications for public assistance or financial aid; provided further, that for the purposes of conducting this income verification, the director of the department may enter into an interdepartmental service agreement with the commissioner of revenue to utilize the department of revenue's wage reporting and bank match system for the purpose of verifying the income and eligibility of participants in federally assisted housing programs and that of members of the participants' households; provided further, that for the purposes of clarification only, notwithstanding section 12 of chapter 490 of the acts of 1980, the department may authorize neighborhood housing services corporations to retain, re-assign, and reloan funds received in repayment of loans made under the neighborhood housing services rehabilitation program; provided further that not less than $100,000 shall be expended

to the Springfield Neighborhood Housing Services, Inc., so-called, in Springfield to prevent foreclosures, assist first-time home buyers, and to create jobs; provided further, that not less than $100,000 shall be expended for the Safe Neighborhood Initiative Pilot Program in the Grove Hall area of Roxbury and Dorchester; provided further, that not less than $25,000 be expended for Marlborough Community Development Corporation; provided further, that not less than $10,000 shall be expended for the Turning Point Day Resource Center for the Homeless in the town of Wareham; provided further, that not less than $100,000 shall be expended for the Indian Orchard Main Street Partnership; provided further, that not less than $125,000 shall be expended for the Hungry Hill Development Corporation in the city of Springfield; provided further that $61,200 shall be expended for the Worcester housing program; provided further, that not less than $25,000 shall be expended for the Allston-Brighton Community Development Corporation's continued operation of a grant program to enhance housing quality standards; provided further, that not less than $75,000 shall be expended for the continued operation of computer technology centers at the Commonwealth Housing Development, the Jackson Mann Community Center and the Power Up Center at Brighton High School; provided further, that $100,000 shall be expended for ABCD North End elderly program; provided further, that not less than $100,000 shall be expended for the Pleasant Street Neighborhood Network Center in Worcester; provided further, that not less than $100,000 shall be expended for Neighbors in Need in Lawrence; provided further, that not less than $25,000 shall be expended for the Beverly Affordable Housing Coalition; provided further, that not less than $400,000 shall be expended for Bare Meadow in Reading; provided further, that not less than $100,000 shall be expended for Heritage State Park located in the Roxbury section of the city of Boston; provided further that no less than $20,000 shall be expended to the Town of Braintree as a one-time community action grant for Thayer Public Library; provided further that not less than $100,000 be provided for maintenance on the Town Line Brook/Route 1 Tidal Gates in Revere; provided further, that

$50,000 shall be expended for athletic fields in Reading; provided further, that not less than $50,000 shall be expended for Framingham Downtown Renaissance economic, tourism and cultural development programs; provided further, that no less than $85,000 shall be expended for Biotech incubator space within the Smart Growth District in Lynn; provided further that $75,000 shall be expended as a fifty percent (50%) match for environmental projects in the Towns of Fairhaven and Mattapoisett; provided further, that $50,000 shall be expended for the Lincoln Perkins Project in Worcester; provided further, that $75,000 shall be provided to World is Our Classroom, Inc. serving the towns of Holyoke, Westfield, Chicopee, and Greenfield; provided further, that not less than $150,000 be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce; provided further, that $500,000 shall be expended for the Wallace Civic Center and Planetarium in the city of Fitchburg; provided further, that $245,000 shall be provided to the town of Scituate for a pilot program for the community related to transportation; provided further, that not less than $112,000 shall be expended for the maintenance of the Korean War Memorial of Central Massachusetts Walkway of Honor in Worcester; provided further, that not less than $95,000 shall be expended for the Boston Housing Authority for a program to provide certain tenant services for the West Broadway Task Force; provided further, that funds appropriated herein shall be obligated for expenditure by the West Broadway Task Force for the purposes of tenant services provided by said Task Force; provided further, that funds appropriated herein shall not be expended by the Boston Housing Authority for discretionary purposes provided further, that not less than $40,000 shall be expended for Methuen-Arlington Neighborhood, Inc.; provided further, that not less than $50,000 shall be expended for the Cambridge Housing Authority Work Force Program; provided further, that $70,000 shall be expended for upgrades to the Mansfield housing facility parking lot; provided further, that $200,000 shall be expended on technical assistance for smart growth administration; provided further, that not less than $200,000 shall be expended to cover costs associated with the relocation of tenants from the Julian D. Steele public

housing project; provided further, that $50,000 shall be expended for the Watertown Housing Authority; provided further, that not less than $25,000 shall be expended as a grant to the Milford Area Chamber of Commerce to support the Draper Mill Re-Use Project in the town of Hopedale; provided further, that $125,000 shall be expended for security devices for the Worcester Housing Authority; provided further, that no less than $100,000 shall be expended for 2 computer centers operated by the Cambridge housing authority; provided further, that not less than $105,000 shall be expended for Food for the World Pantry in Lawrence; and provided further, that not less than $75,000 shall be expended for the Greater Gardner Community Development Corporation $11,325,833

7004-2475 For the homeownership opportunity affordable housing program; provided, that all sums appropriated shall be used to write down interest rates on soft second mortgage loans for low and moderate income first-time home buyers $5,000,000

7004-3036 For housing services and counseling; provided, that not less than $1,600,000 shall be expended as grants for the operation of 9 regional housing consumer education centers operated by the regional nonprofit housing authorities; provided further, that the grants shall be through a competitive application process under criteria created by the department; provided further, that the department shall submit annual reports to the secretary of administration and finance, the house and senate committees on ways and means and the joint committee on housing detailing all expenditures of said program including for each regional housing consumer education center the total number of persons who received information and referral services, the costs for such services rendered per consumer and the identification of consumer issues and trends; provided further, that said department shall report to the house and senate committees on ways and means no later than March 1, 2007 on possible savings and efficiencies through consolidation of said services and counseling; provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees; provided further, that $141,000 shall be expended for the Just A Start Corporation to administer a housing stabilization and conflict management services program to prevent homelessness; provided further,

that not less than $80,925 shall be expended for the Central Massachusetts Housing Alliance Inc. Donations Clearinghouse Program $1,821,925

7004-3045 For a tenancy preservation program for neutral party consultation services in eviction cases before the housing court department of the Massachusetts trial court for individuals with disabilities and families that contain an individual with a disability in cases where the disability is directly related to the reason for eviction $500,000

7004-4314 For the expenses of a service coordinators program established by the department to assist tenants residing in housing developed pursuant to sections 39 and 40 of chapter 121B of the General Laws to meet tenancy requirements in order to maintain and enhance the quality of life in that housing $490,401

7004-9005 For subsidies to housing authorities and nonprofit organizations including funds for deficiencies caused by certain reduced rentals in housing for the elderly, handicapped, veterans and relocated persons under sections 32 and 40 of chapter 121B of the General Laws; provided, that notwithstanding any general or special law to the contrary, all housing authorities operating elderly public housing shall offer first preference for elderly public housing units which are vacant as of the effective date of this act, and thereafter, to those persons 60 years of age or older on June 30, 2006, receiving rental assistance from the Massachusetts rental voucher program; provided further, that the department may expend funds appropriated in this item for deficiencies caused by certain reduced rentals which may be anticipated in the operation of housing authorities for the first quarter of the subsequent fiscal year; provided further, that no monies shall be expended from this item for the purpose of reimbursing the debt service reserve included in the budgets of housing authorities; provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees; provided further, that the amount appropriated in this item shall be considered to meet any and all obligations under said sections 32 and 40 of said chapter 121B; provided further, that any new reduced rental units developed in fiscal year 2007 eligible for subsidies under this item, shall not cause any annualization that results in an amount exceeding

the amount appropriated in this item; and provided further, that all funds in excess of normal utilities, operations, and maintenance costs may be expended for capital repairs $45,113,590

7004-9024 For a program of rental assistance for low-income families and elderly persons through mobile and project-based vouchers; provided, that rental assistance shall only be paid under a program to be known as the Massachusetts rental voucher program; provided further, that the income of the households shall not exceed 200 per cent of the federal poverty level; provided further, that the department may award mobile vouchers to eligible households currently occupying project-based units that shall expire due to the nonrenewal of project-based rental assistance contracts; provided further, that the department, as a condition of continued eligibility for vouchers and voucher payments, may require disclosure of social security numbers by participants and members of participants' households in the Massachusetts rental voucher program for use in verification of income with other agencies, departments and executive offices; provided further, that any household in which a participant or member of a participant's household shall fail to provide a social security number for use in verifying the household's income and eligibility shall no longer be eligible for a voucher or to receive benefits from the voucher program; provided further, that the vouchers shall be in varying dollar amounts and shall be set by the department based on considerations, including, but not limited to, family size, composition, income level and geographic location; provided further, that notwithstanding any general or special law to the contrary, the monthly dollar amount of each voucher shall be the department-approved total monthly rent of the unit less the monthly amount paid for rent by the household; provided further, that notwithstanding any general or special law to the contrary, the use of rent surveys shall not be required in determining the amounts of the mobile vouchers or the project-based units; provided further, that any household which is proven to have caused intentional damage to its rental unit in an amount exceeding 2 month's rent during any 1-year lease period shall be terminated from the program; provided further, that notwithstanding any general or special law to the contrary, a mobile voucher whose use is or has been discontinued shall

be re-assigned within 90 days; provided further, that the department shall pay agencies $32.50 per voucher per month for the costs of administering the program; provided further, that subsidies shall not be reduced for the cost of accommodating the cost of the inspections; provided further, that notwithstanding any general or special law to the contrary, each household holding a project-based voucher shall pay at least 30 per cent but not more than 40 per cent of its income as rent, and each household holding a mobile voucher shall pay at least 30 per cent but not more than 40 per cent of its income as rent; provided further, that the department shall establish the amounts of the mobile vouchers and the project-based vouchers, so that the appropriation in this item is not exceeded by payments for rental assistance and administration; provided further, that the department shall not enter into commitments which will cause it to exceed the appropriation set forth in this item; provided further, that the households holding mobile vouchers shall have priority for occupancy of the project-based dwelling units in the event of a vacancy; provided further, that the department may impose certain obligations for each participant in the Massachusetts rental voucher program through a 12-month contract which shall be executed by the participant and the department; provided further, that these obligations may include, but need not be limited to, job training, counseling, household budgeting and education, as defined in regulations promulgated by the department and to the extent these programs are available; provided further, that each participant shall be required to undertake and meet these contractually established obligations as a condition for continued eligibility in the program; provided further, that for continued eligibility each participant shall execute this 12-month contract on or before September 1, 2006 if the participant's annual eligibility recertification date occurs between June 30, 2006 and September 1, 2006 and otherwise on or before the annual eligibility recertification date; provided further, that any participant who is over the age of 60 years or who is handicapped may be exempted from any obligations unsuitable under particular circumstances; provided further, that the department shall submit an annual report not later than February 1, 2007 to the secretary of administration and

finance and the house and senate committees on ways and means detailing expenditures, the number of outstanding rental vouchers by income level and the number and types of units leased that are funded from this item the number of new and existing units leased, the average household income of program participants, and the number of participant households where at least one household member is employed, for any vouchers relinquished by a recipient, the reason for the loss of such a voucher and the subsequent entry of such person into the private rental market or other subsidized housing; provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees; provided further, that the department may assist housing authorities, at their written request, in the immediate implementation of a homeless prevention program utilizing alternative housing resources available to them for low-income families and the elderly by designating participants in the Massachusetts rental voucher program as at risk of displacement by public action through no fault of their own; provided further, that participating local housing authorities may take all steps necessary to enable them to transfer mobile voucher program participants from the Massachusetts rental voucher program into another housing subsidy program; and provided further, that the department of housing and community development shall strive to avoid a reduction in the value of the Massachusetts rental voucher from its value as of June 30, 2006 ..... $27,483,345

7004-9030 For the transitional rental assistance program established under section 16 of chapter 179 of the acts of 1995; provided, that notwithstanding any general or special law to the contrary, the transitional rental assistance shall be in the form of mobile vouchers; provided further, that the vouchers shall be in varying dollar amounts set by the department based on considerations including, but not limited to, household size, composition, household income and geographic location; provided further, that any household which is proven to have caused intentional damages to its rental unit in an amount exceeding 2 month's rent during any 1 year shall be terminated from the program; provided further, that the department shall pay agencies that administer this program an

allowance not to exceed $25 per voucher per month for the costs of administration; provided further, that notwithstanding any general or special law to the contrary, there shall be no maximum percentage applicable to the amount of income paid for rent by each household holding a mobile voucher, but each household shall be required to pay not less than 25 per cent of its net income, as defined in regulations promulgated by the department, for units if utilities are not provided by the unit owner, or not less than 30 per cent of its income for units if utilities are provided by the unit owner; provided further, that payments for the transitional rental assistance may be provided in advance; provided further, that the department shall establish the amounts of the mobile vouchers, so that the appropriation in this item is not exceeded by payments for rental assistance and administration; provided further, that the department shall not enter into commitments which will cause it to exceed the appropriation set forth in this item; provided further, that the amount of a rental assistance voucher payment for an eligible household shall not exceed the rent less the household's minimum rent obligation; provided further, that the word "rent", as used in this item, shall mean payments to the landlord or owner of a dwelling unit under a lease or other agreement for a tenant's occupancy of the dwelling unit, but shall not include payments made by the tenant separately for the cost of heat, cooking fuel, and electricity; provided further, that the department shall submit an annual report to the budget director, the secretary of administration and finance, and the house and senate committees on ways and means detailing expenditures, the number of outstanding rental vouchers, and the number and types of units leased; provided further, that consistent with chapter 179 of the acts of 1995 the amount appropriated in this item shall not annualize to more than $3,500,000 in fiscal year 2008; and provided further, that the program shall provide funding for not more than 800 mobile vouchers $3,500,000

7004-9033 For rental subsidies to eligible clients of the department of mental health; provided, that the department shall establish the amounts of those subsidies so that payment thereof and of any other commitments from this item shall not exceed the amount appropriated herein $3,000,000

7004-9201 For interest subsidies for the private development of affordable housing; provided, that notwithstanding any general or special law to the contrary, no new commitments shall be entered into during fiscal year 2007 for said fiscal year or any subsequent fiscal years; and provided further, that funds may be allocated by said agency to its existing interest subsidy contracts in a manner as it may determine necessary to maximize the preservation of existing affordable housing units throughout the commonwealth $5,500,000

7004-9315 For the low-income housing tax credit program; provided, that the department may expend not more than $2,200,000 from revenue collected from fees collected for the regulation of TELLER projects undertaken under clause (m) of section 26 of chapter 121B of the General Laws from fees collected under Executive Order No. 291, pertaining to low-income housing tax credits, for the costs of administering and monitoring the programs, including the costs of personnel, subject to the approval of the director of the department; and provided further, that notwithstanding any general or special law to the contrary and for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued $2,200,000

7004-9316 For a program to provide assistance for homeless families moving into subsidized or private housing and families at risk of becoming homeless due to a significant reduction of income or increase in expenses; provided, that the amount of financial assistance shall not exceed $3,000 per family; provided further, that funds may be used for security deposits, first and last month's rent, electric, gas, sewer and water utility payments for those utility arrearages incurred on or after December 1, 2005; provided further, that assistance shall be administered by the department through contracts with the regional non-profit housing agencies; provided further, that no assistance shall be provided to any family with an income in excess of 50 per cent of the area median income; provided further, that prior to authorizing a residential assistance payment for a family, the non-profit housing agency shall make

a finding that the family experienced a significant reduction of income or increase in expenses and has secured new income or a change in circumstances and that the payment, will enable the family to retain its current housing, obtain new housing, or otherwise avoid homelessness; provided further, that in making these findings the agency shall, unless the facts of the case warrant otherwise, apply a presumption that the payment will enable a family to retain its housing, obtain new housing, or otherwise avoid homelessness if the family is paying less than or equal to 50 per cent of its income for that housing; provided further, that a family who is paying more than 50 per cent of its income for its housing shall be provided a fair opportunity to establish that a residential assistance payment will enable it to retain its housing, obtain new housing, or otherwise avoid homelessness; provided further, that residential assistance payments may be made through direct vendor payments according to standards to be established by the department; provided further, that the agencies shall establish a system for referring families approved for residential assistance payments who the agencies determine would benefit from these services to existing community-based programs that provide additional housing stabilization supports, including assistance in obtaining housing subsidies and locating alternative housing that is safe and affordable for those families; provided further, that the program shall be administered under guidelines established by the department; and provided further, that the department shall provide a status report to the secretary of administration and finance and the house and senate committees on ways and means no later than March 1, 2007, that includes but is not limited to, all program expenditures, the number of recipients of the funds, the housing status of the recipients before and after receiving assistance, the purposes for which each family used the assistance, the administrative costs and other related costs of the program, including whether such recipient resided or continues to reside in state or federal public housing, and any other information necessary to determine the effectiveness of the program $5,000,000

7004-9317 For a pilot program to establish a statewide Individual Development Account (IDA) program; provided, that households residing in state-subsidized housing, as defined by

the department, shall receive preference for enrollment in the pilot program; provided further, that funds may be awarded to community–based organizations to establish local IDA programs; provided further, that funds may be used for administrative costs to operate an IDA program for financial literacy and asset-specific training and as a match for program participant savings for qualified acquisition costs with respect to a qualified principal residence for a qualified first-time homebuyer, as defined by the department; provided further, the department may determine other qualified match uses consistent with the guidelines established in federal IDA guidelines pursuant to 42 USC 604; provided further, that funds may be used to secure federal asset building programs funds; and provided further, that the department shall develop program guidelines to carry out this item $500,000

Office of Consumer Affairs and Business Regulation.

7006-0000 For the office of the director of consumer affairs and business regulation, including expenses of an administrative services unit $1,738,897

Division of Banks.

7006-0010 For the operation of the division of banks; provided, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item shall be assessed upon financial institutions which the division currently regulates pursuant to powers granted to the division by the General Laws, special laws or state regulations; and provided further, that this assessment will be in addition to any and all assessments that the division currently assesses upon financial institutions and will be made at a rate sufficient to produce $12,000,812 in additional revenue that shall pay for this item $12,000,812

Division of Insurance.

7006-0020 For the operation of the division of insurance, including the expenses of the board of appeal on motor vehicle liability policies and bonds, and certain other costs of supervising motor vehicle liability insurance and the expenses of the fraudulent claims board; provided, that the positions of counsel I and counsel II shall not be subject to chapter 31 of

the General Laws; provided further, that contracts or orders for the purchase of statement blanks for the making of annual reports to the commissioner of insurance shall not be subject to the restrictions prescribed by section 1 of chapter 5 of the General Laws; provided further, that the division shall maintain a phone system in its western Massachusetts office that shall immediately transfer calls made to that office to the consumer assistance office in Boston during any business hours when the western Massachusetts office is closed; provided further, that the division shall have an employee or other person answering all initial incoming telephone calls, excluding all direct in-dial calls, between the hours of 9:00 a.m. and 5:00 p.m.; provided further, that the division shall designate an employee to handle all incoming calls relative to chapter 218 of the acts of 1995 or regulations promulgated under section 51 of chapter 111 of the General Laws; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item shall be assessed upon the institutions which the division currently regulates except for licensed business entity producers under powers granted to the division by the General Laws, special laws or state regulations; and provided further, that this assessment shall be in addition to any assessments that the division currently assesses upon such institutions and shall be made at a rate sufficient to produce $10,716,896 in additional revenue that will pay for this item $10,716,896

Division of Professional Licensure.

7006-0040 For the operation and administration of the division of professional licensure; provided, that of the funds appropriated in this item, sufficient monies shall be expended for the reduction of case backlog at the boards of registration; provided further, that the division shall at all times employ not less than 2 hearing officers to facilitate the processing of cases pending before the various boards; provided further, that the position of investigator of radio and television technicians shall not be subject to chapter 31 of the General Laws; and provided further, that the division shall maintain and staff an office in the city of Springfield $4,277,052

Division of Standards.

7006-0060 For the operation of the division of standards $746,797

7006-0066 For the support of the division of standard's municipal inspection efforts; provided, that up to 15 per cent of the amount appropriated herein may be expended for administrative costs of the division $300,000

7006-0067 The division of standards may expend for enforcement of weights and measures laws an amount not to exceed $458,900 from revenues received from item pricing violations collected through municipal inspection efforts, and from weights and measures fees and fines collected from cities and towns $458,900

7006-0068 The division of standards may expend an amount not to exceed $360,000 from revenue received from license fees assessed to owners of motor vehicle repair shops $360,000

Department of Telecommunications and Energy.

7006-0070 For the operation and administration of the department of telecommunications and energy, including the division of community antenna television; provided, that notwithstanding the second sentence of the first paragraph of section 18 of chapter 25 of the General Laws, the assessments levied pursuant to said first paragraph of said section 18 of said chapter 25 for fiscal year 2007 shall be made at a rate sufficient to produce $8,672,318; provided further, that the department shall maintain a toll-free consumer access telephone number to facilitate statewide citizen access on customer service issues in the delivery of cable television services $8,672,318

7006-0080 For the operation of the transportation division $584,812

7006-0090 The department of telecommunications and energy may expend revenues collected up to $75,000 for the operation of the energy facilities siting board $75,000

State Racing Commission.

7006-0110 For the operation of the state racing commission $2,167,663

Division of Energy Resources.

7006-1000 For the operation of the division of energy resources $1,080,000

7006-1001 For the residential conservation service program under chapter

465 of the acts of 1980, and the commercial and apartment conservation service program pursuant to section 11A of chapter 25A of the General Laws $199,330

7006-1003 For the operation of the division of energy resources; provided, that notwithstanding any general or special law to the contrary, the amount assessed under section 11H of chapter 25A of the General Laws shall be equal to the amount expended from this item $441,404

Department of Business and Technology.

7007-0100 For the office of the director of business and technology $386,871

7007-0215 For the operation of the Massachusetts business to business program; provided, that a report shall be submitted to the house and senate committees on ways and means, not later than February 1, 2007, and shall include, but not be limited to, the following: (1) the number of businesses that have used the program in fiscal year 2007, including both businesses located in the commonwealth and those that were attracted to Massachusetts by this program; (2) the number of jobs the commonwealth has retained as a result of the funding in this line item; and (3) the amount of private investment that has occurred as a result of the funding in this line item $500,000

7007-0300 For the operation of the Massachusetts office of business development and for marketing and promoting the commonwealth in order to attract and retain targeted businesses and industries; provided, that the office shall maintain business development assistance services at an office to be located at the University of Massachusetts at Dartmouth for the purposes of responding to inquiries and providing assistance to businesses seeking to expand or relocate to southeastern Massachusetts $1,992,381

7007-0500 For the operation and maintenance of the Massachusetts Biotechnology Research Institute for the purpose of promoting the commercialization of new, academic-based research and development, and raising the scientific awareness of the communities of the commonwealth $700,000

7007-0515 For economic development grants to be administered by the department of business and technology; provided, that not less than $150,000 be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce; provided further, that not less than $200,000 shall

be expended on the operation of the Massachusetts Fisheries Recovery Commission, not less than $60,000 of which shall be expended for the continuation of a socio-economic study and analysis of the commonwealth's fishing industry; and provided further, that not less than $250,000 shall be expended for a grant to the South Shore Tri-Town Development Corporation established in chapter 301 of the acts of 1998; and provided further, that $350,000 shall be expended to the Massachusetts Alliance for Economic Development for enhancing economic development related services including, but not limited to, implementation of a statewide online site finder to assist business growth $950,000

7007-0800 For a grant for the state match for a small business development center; provided, that no funds shall be expended from this item until such time as the United States Small Business Administration has made a payment or has executed a contract to pay the University of Massachusetts at Amherst for the operation of the center; provided further, that the funds expended from this item shall not exceed 25 per cent of the gross operating cost of said center; provided further, that not more than $300,000 of the amount appropriated herein shall be expended for the purpose of operating federal procurement technical assistance services within said center; provided further, that the services shall include, but not be limited to, assisting businesses in securing federal contracts, obtaining contract financing, generating responses to requests-for-proposals, interpreting bid documents, providing educational workshops and seminars and for the electronic identification and tracking of federal bid opportunities; provided further, that the expenditure of said $300,000 shall be subject to the receipt of matching funds from federal or private sources, including the United States Department of Defense; and provided further, that quarterly expenditure reports shall be filed with the house and senate committees on ways and means $1,204,286

7007-0900 For the operation and administration of the office of travel and tourism and for grants to public and private nonprofit local and regional organizations to be awarded by the Massachusetts office of travel and tourism for tourism promotion; provided, that performance-based standards shall be incorporated in all contracts executed by said office for the

procurement of tourism marketing and advertising services; provided further, that the organizations shall be required, as a condition of receiving a grant, to submit a total operating budget which identifies each source and use of operating and capital funds; provided further, that said office shall grant not less than $5,000,000 to the Massachusetts International Marketing Partnership Incorporated, the business entity awarded the contract pursuant to section 60 of chapter 141 of the acts of 2003 for the express purpose of implementing the strategic marketing and promotional program to recover the commonwealth's lost international market share; provided further, that not less than $1,250,000 of the amount appropriated herein shall be expended for the operation and administration of the Massachusetts Sports and Entertainment Commission, provided, however, that the Massachusetts Sports and Entertainment Commission shall be the official and lead agency to facilitate and attract major sports events and championships in the Commonwealth and provided further that the Massachusetts Sports and Entertainment Commission shall establish a division within the Commission which shall be the official and lead agency to facilitate motion picture production and development within the Commonwealth; provided further, that not less than $1,000,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2007 for the highway information centers operating year round on state highways and federally-assisted highways, and the visitor information centers on Boston Common and the Prudential Center, both in the city of Boston and the Adams Visitor Center in Adams; provided further, that not less than $1,000,000 shall be expended in addition to the amount spent in fiscal year 2006 for the purpose of out of state advertising to promote the Commonwealth as a travel destination and to increase tourism; provided further, that $700,000 shall be expended for the Massachusetts Cultural Council; provided further, that not less than $500,000 shall be expended for the Mass Tech Park Corp - Berkshire Wireless Program; provided further; that not less than $500,000 shall be expended for the Museum of Afro-American History located in the city of Boston; provided further that not less than $500,000 be expended on the

open wide health pilot program in Hampden county; provided further, that no less than $450,000 shall be expended for the Wilmington Historical Commission; provided further, that not less than $400,000 shall be expended for the purpose of a grant to the Greater Boston Convention & Visitors Bureau, Inc. to develop and implement, in cooperation with the Massachusetts Lodging Association, Inc. an advertising and direct mail program to promote tourism throughout the commonwealth during the winter season; provided further, that said office shall expend not less than $300,000 for the Sturbridge Heritage and Preservation Partnership; provided further, that not less than $300,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that not less than $300,000 shall be provided for an economic development project at the Elco Dress Factory in New Bedford; provided further, that not less than $250,000, subject to a 100 per cent matching fund, shall be available for the Berkshire Economic Development Corporation; provided further, that not less than $250,000 be expended for the North Central Massachusetts Development Corporation; provided further, that not less than $250,000 shall be expended for the SouthCoast Development Partnership for the purposes of regional tourism and economic development; provided further, that not less than $250,000 shall be expended for the Bourne Financial Development Corporation; provided further, that not less than $200,000 shall be allocated to the Edmund Fowle House in Watertown; provided further, that not less than $200,000 shall be expended for City Stage; provided further, that not less than $200,000 shall be expended for the Bay State Games; provided further, that not less than $200,000 shall be appropriated for the 50th Anniversary celebration of the Mayflower II in Plymouth; provided further that not less than $200,000 shall be expended to The Boston Symphony Orchestra; provided further, that not less than $200,000 shall be provided to the Mahaiwe Theatre, in the Town of Great Barrington; provided further that not less than $200,000 shall be expended for the Spirit of Springfield; provided further, that not less than $200,000 shall be expended for a grant for From the Top, Inc; provided further, that not less than $185,000 shall be expended for the International Trade Assistance Center in Fall River; provided

further that $150,000 for child safety grants in the town of Attleboro; provided further, that not less than $150,000 shall be expended for a child safety program in the town of Winthrop; provided further, that not less than $350,000 shall be expended for the Commonwealth Shakespeare Company, a program of The Wang Center for the Performing Arts, for production support for performances offered for free to the public and for a pilot program to expand performances to Springfield and other cities; provided further, that not less than $150,000 shall be expended for a child safety program in the city of Revere; provided further, that not less than $125,000 shall be expended for New England Puerto Rican Association; provided further, that not less than $200,000 shall be appropriated to the Spanish American Union Incorporated in the city of Springfield provided further, that not less than $75,000 of such funds shall be dedicated to the Puerto Rican Cuatro Project, a cultural development project under said Spanish American Union Incorporated; ; provided further, that not less than $125,000 shall be expended for a historic development project at the Worcester Center for the Performing Arts; provided further, that not less than $300,000 shall be expended for a matching grant to the New England Aquarium; provided further, that not less than $100,000 shall be expended as a grant to the Southern Worcester Development Corporation; provided further, that not less than $100,000 shall be expended for The Berkshire Museum, in the City of Pittsfield; provided further, that not less than $100,000 shall be expended for the Clara Barton Birthplace Museum, Inc.; provided further, that not less than $100,000 shall be expended for the Lowell Chamber of Commerce; provided further, that not less than $100,000 shall be expended for the Merrimack Repertory Theatre; provided further, that not less than $100,000 shall be expended for the Zeiterion Performing Arts Center; provided further, that not less than $100,000 shall be expended for the Harlow Old Fort House in the town of Plymouth; provided further, that not less than $100,000 shall be expended for the Pembroke Park Committee for the facility at Birch street in the town of Pembroke; provided further, that not less than $100,000 shall be expended for Battleship Cove in Fall River in order to assist the commonwealth's official World War II and 9/11 memorials

educational and tourism endeavors; provided further, that not less than $100,000 shall be provided to the Massachusetts Vietnam Veterans Inc. for a medal of honor convention; provided further, that not less than $100,000 shall be allocated to the city of Worcester to implement a comprehensive marketing initiative; provided further, that $100,000 shall be provided as a matching grant for the Mass Central Rail Trail Churnock Hill Rd. Tunnel Project, located in Rutland; provided further, that not less than $100,000 shall be expended for the Freedom Trail Foundation; provided further, that not less than $100,000 shall be expended for a elder growth program in Saugus; provided further, that not less than $100,000 shall be expended for the Cape Cod Economic Development Council; provided further, that $100,000 shall be expended for an economic development project in the town of Braintree; provided further, that $100,000 shall be expended for the North End Visitor Center; provided further, that $100,000 shall be expended for the Old Provincial State House; provided further, that $100,000 shall be expended for a public safety program in the town of Dudley; provided further, that not less than $100,000 shall be expended for Crane Beach access in the town of Ipswich; provided further, that not less than $100,000 shall be expended for the Buzzards Bay Village Association to develop and implement a transportation and communication infrastructure plan for Main Street in Buzzards Bay; provided further, that not less than $100,000 shall be expended for the Cape Cod Maritime Museum located in Hyannis; provided further, that not less than $100,000 shall be expended for the Western Massachusetts Economic Development Council for tourism marketing and advertising purposes; provided further, that not less than $100,000 be expended for the Lake Street Recreation project in the Town of Shrewsbury; provided further, that not less than $100,000 shall be expended for the Longmeadow community festival; provided further, that not less than $100,000 shall be expended for the Puerto Rican Cultural Center in Springfield; provided further, that not less than $100,000 shall be expended for the Russian Community Association of Massachusetts (RCAM) in Boston; provided further, that not less than $100,000 shall be expended for Centro Las Americas to provide workforce training, educational services

and other transitional services in the city of Worcester; provided further, that said grants shall not replace or supplant funding otherwise available to said centers from local chambers of commerce, regional tourist councils, and other public or private funding sources; provided further, that not less than $85,000 shall be allocated to the Cambridge Cultural Events fund for the organization of a cultural fair and a Latin American festival in the city of Cambridge; provided further, that not less than $15,000 shall be expended for the Chelsea Latin American festival; provided further, that not less than $75,000 shall be expended for the Waltham Tourist Council; provided further, that not less than $75,000 shall be expended for the rehabilitation and restoration of the Samuel Harrison House in the City of Pittsfield; provided further, that no less than $75,000 shall be expended for the Foxborough geriatric program; provided further, that $75,000 shall be expended for the Cultural Center of Cape Cod; provided further, that no less then $75,000 shall be expended for the Captain Gerald F. DeConto program in Sandwich; provided further, that $75,000 shall be expended for the Massachusetts Advocates for the Arts, Sciences, and Humanities; provided further that not less than $75,000 for a public safety grant in the Forest Park area in the city of Springfield; provided further, that no less then $60,000 be expended for the Boston Irish Tourism Association marketing initiatives and for an analysis of the marketability of the Massachusetts Irish Community; provided further that not less than $60,000 shall be expended for the Newburyport initiative to attract new businesses and industries; provided further, that not less than $50,000 shall be expended for the Old Firehouse Museum in South Hadley; provided further, that not less than $50,000 shall be expended for the Caribbean Carnival Association; provided further, that not less than $50,000 shall be expended for activities to promote tourism and cultural events in and around the historic downtown in the town of Franklin; provided further, that not less than $50,000 shall be expended for the START Partnership in Framingham; provided further, that not less than $50,000 shall be expended as a grant for the Pioneer Valley Visitors and Tourist Information Center; provided further, that not less than $50,000 shall be provided to the Claflin Hill Symphony Orchestra; provided further, that not

less than $50,000 shall be expended for the Holyoke Merry-Go-Round at Heritage State Park; provided further, that not less than $50,000 shall be shall be expended for the Greater Haverhill Chamber of Commerce for the expansion of the Haverhill Means Business program; provided further, that not less than $50,000 shall be expended for the Worcester Historical Museum; provided further, that not less than $50,000 shall be provided to the Leicester Historical Society for the restoration of the Rev. Samuel May, Jr. House; provided further, that not less that $50,000 shall be expended for the Louis D. Brown Peace Institute; provided further, that not less than $50,000 shall be expended for the New Bedford Art Museum for tourism production; provided further, that not less than $50,000 shall be expended for the Johnny Appleseed Visitors' Center; provided further, that not less than $50,000 shall be expended for the purposes of the operation of the programs of the Riverside Theatre Works, an organization located in the Hyde Park section of the City of Boston; provided further, that not less than $50,000 shall be expended for the Attleboro Museum; provided further, not less than $50,000 shall be provided for the restoration and repairs of the Historical Asa Waters Mansion in the Town of Millbury; provided further, that not less than $50,000 shall be allocated for the Methuen geriatric safety program; provided further, that not less than $50,000 shall be expended for the Russian Community Association in Springfield provided further that not less than $50,000 shall be expended for the Town of Plympton's Tercentennial Celebrations; provided further, that not less than $50,000 shall be expended as a one time grant to Destination Salem in the city of Salem for the promotion of regional and local tourism; provided further, that not less than $50,000 be expended by the town of Berkley for environmental restoration and resources grant for the use of the Berkley Highway Department and Tree Department; provided further, that not less than $50,000 shall be directed to Arts Alive of Falmouth for support of the Woods Hole Film Festival; provided further that not less than $50,000 shall be expended for TheatreZone Chelsea; provided further, that not less than $40,000 shall be expended for the Newburyport Economic Development Department's Jump Start Program; provided further, that not less than $40,000 shall be

expended from this item for the purpose of the operation and the promotion of the Ipswich Shuttle Bus service; provided that $35,000 shall be expended for a public safety grant in the town of Berlin; provided further, that not less than $35,000 shall be provided to the Bellingham historical commission renovations program; provided further, that $30,000 in matching funds be expended to the town of Avon for a feasibility study of municipal buildings; provided further, that not less than $25,000, subject to 100 per cent funding match, shall be made available to the Jacob's Pillow Dance Festival; provided further, that not less than $25,000 be expended for the Route16/Hopedale Street public safety program in Hopedale; provided further, that not less than $25,000 shall be expended to operate the Cape Cod Junior Technology Council; provided further, that not less than $25,000 shall be expended for the Sturbridge Area Tourist Association; provided further, that not less than $25,000 shall be expended for the West Brookfield Historical Society for the three hundred and fiftieth Anniversary of the Quaboag Plantation; provided further, that not less than $25,000 shall be expended for the Sandwich Glass Museum to promote the education of the glass blowing industry in Massachusetts history; provided further, that not less than $25,000 shall be expended for the Reagle Players of Waltham; provided further, that not less than $25,000 shall be made available to Woburn for a safety grant in the Walnut Street area in downtown Woburn; provided further, that not less than $25,000 shall be expended for the Phillipston historical society; provided further, that not less than $25,000 shall be expended for the Central Quabbin Area Tourism and Visitors Center; provided further, that not less than $25,000 be expended for improvements in the Prospect Hill Historic District in the City of Lawrence; provided further, that not less than $25,000 shall be expended for the economic development project at the Salisbury Chamber of Commerce; provided further, that not less than $20,000 shall be expended for the Amesbury Cultural Center; provided further, that not less than $20,000 shall be made available for an energy efficiency program in the town of North Attleboro; provided further, that $15,000 shall be expended for the Sgt. 1st Class Robert E. Rooney project in the

town of Plymouth; provided further, that not less than $15,000 shall be provided to the Cape Cod Cranberry Growers for the production of a Cranberry Harvest Map; provided further, that $15,000 shall be expended for the Lance Corporal Jeffrey C. Burgess project in the town of Plymouth; provided further, that not less than $8,000 shall be expended for a recreational program in the town of Freetown; and provided further, not less than $5,000 shall be provided for the restoration and rebuilding of a historical gazebo in the Town of Auburn $29,255,852

Tourism Fund 100.0%

7007-0951 For the operation of the Commonwealth Zoological Corporation pursuant to chapter 92B of the General Laws; provided, that $50,000 shall be expended for the Buttonwood Park Zoo; provided, that funds appropriated in this item shall be expended for the purposes of promoting private fundraising, achieving self-sufficiency and serving as a catalyst for urban economic development and job opportunities for local residents; provided further, that the corporation shall take all steps necessary to increase the amount of private funding available for the operation of the zoos; provided further, that the corporation shall report to the house and senate committees on ways and means not later than February 1, 2007 on the status of, and amounts collected from, the private fundraising and enhanced revenue efforts identified in the draft Massachusetts Zoos Business and Operations Plan, dated December, 1996; and provided further, that the corporation shall continue to provide free services and supplies including, but not limited to, routine animal check-ups, diagnosis and care, emergency veterinary needs, medications and medical supplies, vitamins and diet supplements and Zoo Prem feline diet, to the Trailside Museum and the Chickatawbut Hill Center in the town of Milton; provided further that not less than $750,000 shall be expended on a matching program to encourage private and corporate donations to support the Franklin Park Zoo and Stone Zoo ... $6,850,000

7007-1000 For assistance to local tourist councils under section 14 of chapter 23A of the General Laws; provided, that notwithstanding any general or special law or rule or regulation to the contrary, each of the councils may expend an amount not to exceed 20 per cent of the funds appropriated in

this item for the cost of administrative services $7,925,000
Tourism Fund 100.0%

7007-1200 For a program to create and maintain a more favorable and responsive environment for the attraction and retention of technology-intensive clusters for the commonwealth; provided, that such clusters may be characterized by technological or market focus, geographic proximity or other shared interests; provided further, that such cluster-support activities shall be deemed to be the exercise of an essential governmental function intended to: (1) foster increased collaboration among cluster organizations; (2) facilitate improved communications between the commonwealth and cluster organizations; (3) identify and respond to challenges and opportunities related to cluster organizations; (4) enhance the competitive position of cluster firms; (5) reduce the costs of doing business in the commonwealth through 1 or more purchasing cooperatives; and (6) generally improve the perception of the value and benefits of doing business in the commonwealth; provided further, that amounts appropriated in this item shall be expended to the Massachusetts Technology Park Corporation to be held, applied and administered through its Massachusetts Technology Collaborative; provided further, that said corporation shall establish an independent advisory panel to advise said corporation relative to the most effective application of funds appropriated in this item; provided further, that the executive director shall file a report with the house and senate committees on science and technology and the house and senate committees on ways and means detailing the activities undertaken with the funds appropriated herein by January 15, 2007 ..... $500,000

7007-1300 For the operation of the Massachusetts International Trade Council $960,000
Tourism Fund 100.0%

7007-1500 For the operation and administration of the office of minority and women business assistance; provided, that the office shall administer an electronic business certification application which shall be accessible to business applicants through use of the internet; provided further, that the office shall ensure the integrity and security of personal and financial information transmitted by electronic application; provided further, that the office shall, using all existing available resources, provide

certification services within each of the 1-stop regional assistance centers of the Massachusetts office of business development; and provided further, that the office shall develop and implement measures and procedures to continue to improve the efficiency and the timeliness of the certification process $1,120,507

Department of Education.

7010-0005 For the operation of the department of education; provided, that the department, in collaboration with the commission on gay and lesbian youth established by section 67 of chapter 3 of the General Laws shall allocate not less than $150,000 for programming to ensure public schools' compliance with the board of education's recommendations for the support and safety of gay and lesbian students and the implementation of related suicide-prevention and violence-prevention efforts; provided further, that not less than $150,000 shall be expended for a pilot program in the town of Southbridge for preventing violence and hate crimes in Kindergarten through grade 8; provided further, that the pilot program shall also offer parent training and education in violence prevention and racial tolerance; provided further, that $250,000 shall be expended for the implementation of a pilot program known as PeaceZone in elementary schools at the Boston Public Schools; and provided further, that not later than November 15, 2006, the department shall submit a progress report to the secretary of administration and finance, the chairpersons of the house and senate ways and means committees and the house and senate chairpersons of the joint committee on education on efforts by the department to further define and advance the strategic vision of the department, along with a detailed implementation plan for realizing that vision $11,052,905

7010-0012 For grants to cities, towns and regional school districts for payments of certain costs and related expenses for the program to eliminate racial imbalance established under section 12A of chapter 76 of the General Laws; provided, that funds shall be made available for payment for services rendered by METCO, Inc. and Springfield public schools ... $19,615,313

7010-0216 For the teacher, principal, and superintendent retention programs

established in sections 19B, 19C, and 19E of chapter 15A of the General Laws $664,797

7010-1022 For the development and implementation of certificates of occupational proficiency $1,300,000

7027-0016 For matching grants for various school-to-work programs; provided, that the board of education shall establish guidelines for such programs in consultation with the department of workforce development; provided further, that any funds distributed from this item to cities, towns or regional school districts shall be deposited with the treasurer of the city, town, or regional school district and held in a separate account and shall be expended by the school committee without further appropriation, notwithstanding any general or special laws to the contrary; provided further, that each grant awarded herein shall be matched by the recipient from local, federal, or private funds; provided further, that the board of education may determine the percentage match required on an individual grant basis; provided further, that the department of education shall make available a payment of $734,400 for the state's matching grant for the CS-squared program at the Commonwealth Corporation; provided further, that the department of education shall make available a payment of $942,191 to Jobs for Bay State Graduates, Inc., for the purpose of school-to-work activities; provided further, that the department of education shall make available a payment of $42,975 to the Blue Hills regional vocation school for the School to Careers Partnership to fund a teacher externship program and a student internship program; provided further, that $250,000 shall be expended for Amer-I-Can Program, Inc through the Black Men of Greater Springfield, Inc.; provided further, that of this $250,000, funds may be expended for the administration of this program in Springfield; provided further, that not less than $50,000 shall be expended for the Diploma Plus Program at Cape Cod Community College; provided further, that not less than $200,000 shall be provided for the Diploma Plus drop out prevention program in partnership with Commonwealth and the Massachusetts Department of Education; and provided further, that not less than $60,000 shall be expended for Junior Achievement of Central Massachusetts; and provided

further, that not less than $50,000 shall be expended for Junior Achievement of Western Massachusetts $2,329,566

7027-0019 For school-to-career connecting activities; provided, that notwithstanding any general or special law to the contrary, the board of education, in cooperation with the department of workforce development and the state workforce investment board, may establish and support a public-private partnership to link high school students with economic and learning opportunities on the job as part of the school-to-work transition program; provided further, that such program may include the award of matching grants to workforce investment boards or other local public-private partnerships involving local community job commitments and work site learning opportunities for students; provided further, that the grants shall require at least a 200 per cent match in wages for the students from private sector participants; provided further, that the program shall include, but not be limited to, a provision that business leaders commit resources to pay salaries, to provide mentoring and instruction on the job and to work closely with teachers; and provided further, that public funds shall assume the costs of connecting schools and businesses to ensure that students serve productively on the job $4,129,687

7027-1004 For English language acquisition professional development to improve the academic performance of English language learners and effectively implement sheltered English immersion as outlined in chapter 386 of the acts of 2002; provided, that the department shall only approve professional development courses and offerings with proven, replicable results in improving teacher performance, and which shall have demonstrated the use of best practices, as determined by the department, including data comparing pre-training and post-training knowledge; provided further, that the department shall, not later than February 15, 2007, provide a report on the number of educators who have received such training since passage of chapter 386 of the acts of 2002, the estimated number who need such additional training, and a review and analysis of the most effective types of professional development and the most common gaps in the knowledge base of educators implementing English immersion and teaching English language acquisition, along with legislative

or regulatory recommendations of the department; and provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education $500,000

7028-0031 For the expenses of school age children in institutional schools under section 12 of chapter 71B of the General Laws; provided, that the department may provide special education services to eligible inmates in county houses of correction; provided further that the department of youth services shall continue to collaborate with the department of education in order to align curriculum at the department of youth services with the statewide curriculum frameworks and to ease the reintegration of youth from facilities at the department of youth services into regular public school settings; and provided further, that the department of education, in conjunction with, the commissioner of youth services shall submit a report on progress made to the house and senate committees on ways and means by December 1, 2006 ..... $7,567,383

7030-1002 For kindergarten development grants to provide ongoing grant awards to continue quality enhancement of existing full-day kindergarten classrooms and to encourage the transition of half day classrooms into full-day kindergarten classrooms; provided, that the office of school readiness shall administer a grant program to encourage the voluntary expansion of high quality, full-day kindergarten education throughout the commonwealth; provided further, that grants of not more than $18,000 per classroom shall be made available to public schools for the enhancement of existing full-day kindergarten classrooms and for the transition of existing half-day kindergarten classrooms into full day kindergarten classrooms; provided further, that said grants shall be awarded pursuant to guidelines established by the department relative to the application and award process which shall include eligibility criteria, allowable grant expenditures and grant recipient obligations; provided further, that guidelines for transition grants shall require applicants for such grants to identify obstacles that impede the transition to full-day kindergarten; provided further, that the guidelines shall require grant recipi-

ents to identify the anticipated date by which the implementation of quality enhancement or transition projects shall commence; provided further, that the guidelines shall detail the range of permissible grant expenditures which shall include, but not be limited to, the expenditure of funds for facility improvements or other expenses necessary to provide adequate space for the transition from half-day kindergarten classrooms into full-day kindergarten classrooms; provided further, that grants funded through this appropriation shall not annualize to more than $18,000 per classroom in subsequent fiscal years; provided further, that preference shall be given to grant applicants with high percentages of students scoring in levels 1 or 2 on the Massachusetts comprehensive assessment system exam, as determined by the department based on available data; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that such program shall supplement and shall not supplant currently funded local, state and federal programs at the school or district; provided further, that not less than $2,000,000 shall be expended on grants to expand half-day classrooms to new full-day classrooms; provided further, that not later than January 15, 2007 the department shall report to the house and senate committees on ways and means on the total number of grants requested and awarded; provided further, that the report shall detail common factors associated with both successful and unsuccessful applications and shall include the total number of full-day and half-day kindergarten classrooms projected to be in operation in public schools in fiscal year 2008; provided further, that funds appropriated in this item for transition grant awards may be expended through August 31, 2007 for the purposes of transition projects scheduled for the school year beginning in September 2007; and provided further, that the department may expend not more than $200,000 to administer the grants program established herein $27,000,000

7030-1003 For the John Silber early literacy program to promote research based school-wide literacy education and to promote literacy among children in grades K through 3; provided, that the office of reading and language arts shall administer said early literacy grant programs to improve the quality and effectiveness of literacy education to the greatest extent possible; provided further, that these early literacy education programs shall be based on a scientifically-based reading research program consistent with the federal Reading First Initiative; provided further, that not less than $100,000 be expended for the TU- LEAP Program of Boston for after-school academic and literacy achievement programs; provided further, that not less than $60,000 shall be expended for Lawrence Learning Center and Community Development in the City of Lawrence; provided further, that $435,000 shall be expended for JFY.net, a Jobs for Youth initiative for high technology, literacy and job skill instruction to youth and adults through advanced software and existing infrastructure capacity in schools and community agencies; provided further, that such program shall supplement currently funded local, state and federal programs at the school or district; and provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district, without further appropriation, notwithstanding the provisions of any general or special law to the contrary $3,672,990

7030-1005 For Reading Recovery, an early intervention individual tutorial literacy program designed as a pre-special education referral and short-term intervention for children who are at risk of failing to reading in the first grade; provided further, that not less than $500,000 shall be expended for matching grants to school districts to support the funding of Reading Recovery teachers salaries in one-to-one early intervention tutorial literacy programs; and provided further that said program shall provide ongoing documentation and evaluation of results $2,900,000

7035-0002 For grants to provide and strengthen adult basic education services, including reading, writing and mathematics, to a di-

verse network of organizations which have demonstrated commitment and effectiveness in the provision of such services, and that are selected competitively by the department of education; provided, that such grants shall support the successful transition of students from other adult basic education programs to community college certificate and degree-granting programs; provided further, that such grants shall be contingent upon satisfactory levels of performance as defined and determined by the department; provided further, that in no case shall grants be considered an entitlement to a grant recipient; provided further, that the department shall consult with the community colleges and other service providers in establishing and implementing content, performance and professional standards for adult basic education programs and services; provided further, that not less than $200,000 shall be allocated to the Massachusetts Foundation for the Humanities in Northampton for an adult education program; and provided further, that not more than 7.5 per cent of the funds appropriated in this item may be expended for non-grant purposes; prior appropriation continued $29,522,628

7035-0006 For reimbursements to regional school districts for the transportation of pupils; provided, that notwithstanding any general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated in this item; provided further, that $400,000 shall be expended to implement a pilot program to assist regional school districts in utilizing route planning software for the purpose of maximizing efficiency and reducing the length of transit time; provided further, that the pilot shall include a study of methods to improve cost-savings and efficiency in regional transportation; provided further, that the study shall include, but not be limited to, reviewing methods to allow districts flexibility in arranging student transportation and examining a system for providing district-organized carpooling under which carpool drivers receive a stipend for their services; provided further, not more than $100,000 shall be expended by the department to conduct audits and adjust payments in accordance with regulations promulgated therefor; and provided further, that the department shall report on the results of the pilot, the study and the audits to the secretary of

administration and finance, the senate president, the speaker of the house, the chairpersons of the house and senate ways and means committees and the house and senate chairpersons of the joint committee on education not later than March 1, 2007 ..... $55,500,000

7035-0007 For reimbursements to cities, towns, regional vocational or county agricultural school districts, independent vocational schools, or collaboratives for certain expenditures for transportation of nonresident pupils to any approved vocational-technical program of any regional or county agricultural school district, city, town, independent school or collaborative pursuant to section 8A of chapter 74 of the General Laws; provided, that should the amount appropriated herein be insufficient to fully fund the provisions of said section 8A, initial reimbursements made by the department of education may be pro-rated by the department to all eligible cities, towns, regional vocational or county agricultural school districts, independent vocational schools, or collaboratives; and provided further, that upon a determination by the department that the funds appropriated in this item are insufficient to meet the commonwealth's full obligation under said section 8A, the department shall, within ten days, notify the secretary of administration and finance, the house and senate chairs of the joint committee on education, and the chairs of the house and senate ways and means committees of the amount needed to fully fund said obligation $2,000,000

7051-0015 For operating funds to distribute food for the Massachusetts emergency food assistance program $1,247,000

7052-0006 For grants and reimbursements to cities, towns, regional school districts and counties previously approved by the department of education under chapter 645 of the acts of 1948 and chapter 70B of the General Laws for payments associated with admission to a regional school district $19,076

7053-1909 For reimbursements to cities and towns for partial assistance in the furnishing of lunches to school children, including partial assistance in the furnishing of lunches to school children as authorized by chapter 538 of the acts of 1951, and for supplementing funds allocated for the special milk program; provided, that notwithstanding any general or special law to the contrary, payments so authorized in the aggregate for partial assistance in the furnishing of lunches to school children

shall not exceed the required state revenue match contained in Public Law 79-396, as amended, cited as the National School Lunch Act and in the regulations implementing the act $5,426,986

7053-1925 For the school breakfast program for public and nonpublic schools and for grants to improve summer food programs during the summer school vacation period; provided, that of the sum appropriated in this item, not less than $300,000 shall be expended for the summer food service outreach program and not less than $200,000 shall be expended for the school breakfast outreach program, including reimbursement of municipal expenses; provided further, that within the summer food program, priority shall be given to extending such programs for the full summer vacation period and promoting increased participation in such programs; provided further, that the department of education shall solicit proposals from returning sponsors and school food authorities in time for implementation of such grant program during the summer of 2007; provided further, that such grants shall only be awarded to sponsors who can demonstrate their intent to offer full summer programs or increase participation; provided further, that the department shall require sufficient reporting from each grantee to measure the success of such grant program; and provided further, that the department shall select grantees for the program authorized by this item not later than March 30, 2007, prior appropriation continued $2,266,575

7053-1927 For a supplement to the federally-funded school breakfast program, whereby all children in schools receiving funds under the program shall be provided free, nutritious breakfasts at no cost to them; provided, that subject to regulations of the board that specify time and learning standards, breakfasts shall be served during regular school hours; provided further, that participation shall be limited to those elementary schools mandated to serve breakfast under section 1C of chapter 69 of the General Laws where 60 per cent or more of the students are eligible for free or reduced-price meals under the federally-funded school meals program; provided further, that the department shall select school sites for programs authorized by this item not later than November 15, 2006 and shall report to the house and senate committees on ways and means on the

preliminary results of these grants not later than January 9, 2007; and provided further, that nothing in this item shall give rise to enforceable legal rights in any party or an enforceable entitlement to services $2,011,060

7061-0008 For school aid to cities, towns, regional school districts, counties maintaining agricultural schools, independent vocational schools and independent agricultural and technical schools to be distributed under chapters 70 and 76 of the General Laws and section 3 of this act; provided, that $200,000 of the funds allocated from this item to the city of Lawrence by said section 3 shall be transferred to the University of Massachusetts at Lowell for its college preparation program; provided further, that each school district shall report annually to the department of education on its professional development expenditures, in a manner and form prescribed by the commissioner and consistent with the accountability requirements of the federal No Child Left Behind Act; and provided further, that the department of education shall report annually to the house and senate committees on ways and means on school districts' professional development spending $3,505,520,040

7061-0011 For a reserve to (1) meet extraordinary increases in the minimum required local contribution of a municipality as calculated pursuant to the requirements of section 3 of this act; provided, that a municipality seeking funds hereunder shall apply for a waiver from the department of revenue pursuant to the provisions of section 127 of this act; provided, further, that the commissioner shall issue a finding concerning such waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of education regarding the merits of such application; (2) meet extraordinary increases of greater than 25 percent in a municipality's required contribution to any of the districts to which the municipality belongs as a result of the new regional allocation methodology; provided, that preference in the awarding of these funds shall be given to municipalities whose required local contribution exceeds 70 per cent of their foundation budget; provided further, that not less than $500,000 shall be used for this purpose; (3) assist regional school districts which, prior to fiscal year 2007, have assessed member towns using the provisions of their regional agreement, and which, in fiscal year

2007, will assess member towns using the required contributions calculated pursuant to section 3 of this act; (4) assist towns impacted by stresses in the commercial agricultural, fishing or lobster industry whose required local contribution exceeds 75% of their foundation budget; (5) assist districts that do not offer grades 9 through 12, which are negatively impacted by changes made to the calculation of district foundation budget in fiscal year 2007; (6) assist districts experiencing enrollment declines or enrollment growth of less than 1% from fiscal year 2006 to fiscal year 2007; provided, that preference in the awarding of such funds shall be made for those districts with a target aid share of less than 20% and aid growth in fiscal year 2007 of less than 5%; provided further, that any grants awarded under this item shall be expended by a school committee without further appropriation; (7) assist municipalities with median per capita income below the state average and equalized valuation per capita above the state average; provided, that preference in the awarding of funds shall be given to municipalities with required local contributions greater than 80 per cent of their foundation budgets; (8) assist towns negatively impacted by shortfalls in federal impact aid for the education of children in families employed by the federal government on military reservations located within the town's limits; (9) assist municipalities that receive reductions of more than one-third in payment in lieu of taxes for state-owned land from fiscal year 2006 to fiscal year 2007 and: (a) have an enrollment of fewer than 500 students or (b) are a part of an academic regional district; (10) assist districts experiencing enrollment declines that have implemented programs in conjunction with a public college or university designed to re-enroll students who have dropped out; provided, that any grants provided under this item shall be expended by a school committee without further appropriation; (11) assist regional school districts with more than five consecutive years of enrollment decline and increasing student transportation costs; provided, that systems with greater than a 15 per cent decline in enrollment during the past 5 years shall receive priority in this category; provided, that any grants provided under this item shall be expended by a school committee without further ap-

propriation; provided further, that notwithstanding the provisions of any general or special law to the contrary, assistance funded by this item shall only be available on a one time non-recurring basis; provided further, that the department shall make not less than 80 per cent of awards from this item not later than October 15, 2006; and provided further, that no funds distributed from this item shall be considered prior year chapter 70 aid nor used in the calculation of the minimum required local contribution for fiscal year 2008 ..... $4,500,000

7061-0012 For the reimbursement of extraordinary special education costs under section 5A of chapter 71B of the General Laws; provided, that reimbursements shall be prorated so that expenses of this item do not exceed the amount appropriated in this item; provided further, that upon receipt by the department of education of required special education cost reports from school districts, the department shall reimburse districts based on fiscal year 2006 claims; provided further, that not more than $9,250,000 shall be used to continue and expand voluntary residential placement prevention programs between the department of education and other departments within the executive office of health and human services that develop community-based support services for children and their families; provided further, that of this $9,250,000, not less than $8,000,000 shall be made available to the department of mental retardation for the voluntary residential placement prevention program administered by that department; provided further, that not less than $800,000 shall be expended for the costs of borrowing audiotaped textbooks by special needs students whose disabilities include, but shall not be limited to, blindness, visual impairments, learning disabilities such as dyslexia, or physical disabilities such as cerebral palsy that limit the use of standard print; provided further, that of this $800,000, $400,000 shall be expended for the purposes of outreach and training for teachers, students and parents, $200,000 of which shall be targeted toward underserved communities in Barnstable, Bristol and Plymouth counties; provided further, that of this $800,000, not less than $25,000 shall be expended for the continuation of a pilot program for Recording for the Blind and Dyslexic to provide the tenth grade math and English learning arts MCAS tests in

audio digital format; provided further, that no funds shall be expended for the MCAS pilot program until the department of education examines all security issues related to the pilot program and certifies to the legislature that the pilot program may be carried out without jeopardizing the security of the MCAS exams; provided further, that the report shall be completed not later than November 15, 2006 and shall be forwarded to the house and senate chairpersons of the joint committee on education and the chairpersons of the house and senate committees on ways and means; provided further, that $300,000 shall be expended for the continued funding of the costs of 3 incentive start-up grants to educational collaboratives to provide partial funding for transportation coordination, administrative support, software updates, maintenance and training; provided further, that the funding shall be expended for the purpose of implementing a pilot program to demonstrate that transportation of students to out-of-district special education placements can be accomplished at a lower cost and with improved quality of service by delegating the planning and contracting for such transportation to education collaboratives which would be responsible for the transportation of students to all out-of-district programs located within the pilot program collaborative catchment area; provided further, that not more than $1,000,000 shall be expended for the monitoring and follow-up activities of the department's complaint management system, review and approval of local educational agency applications, and local school districts' compliance with the part B requirements of the federal Special Education Law, known as the Individuals with Disabilities Education Act, in the provision of special education and related services to children with disabilities; provided further, that these monitoring activities shall occur in each school district in cycles of not less than 3 years; provided further, that in order to facilitate such monitoring, the department may allocate funds from this item to item 7061-0029, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any transfer; provided further, that not more than $500,000 shall be expended to administer the reimbursements funded herein; provided further, that notwith-

standing said section 5A of said chapter 71B, the department, at the discretion of the commissioner, may expend up to $3,000,000 to reimburse districts for extraordinary increases in costs incurred during fiscal year 2007 which would be reimbursable under said section 5A of said chapter 71B; provided further, that reimbursements for current year costs shall be limited to school districts which experience increases of greater than 25 per cent from costs reimbursable under said section 5A of said chapter 71B and incurred during fiscal year 2006 to costs reimbursable under said section 5A of said chapter 71B and incurred during fiscal year 2007 or other cases of extraordinary hardship where special education costs increase in relationship to total district costs as the department may define through regulation or guidelines; provided further, that reimbursements for current year costs shall be allocated as one-time grants and shall not decrease reimbursements in the following fiscal year; provided further, that the department shall conduct audits of fiscal year 2006 claims; provided further, that if the claims are found to be inaccurate, the department shall recalculate the fiscal year 2007 reimbursement amount and adjust the third and fourth quarter payments to the districts to reflect the new reimbursement amount; and provided further, that the department shall file a report with the house and senate committees on ways and means not later than February 15, 2007 on the results of the audits $207,700,000

7061-0029 For the office of educational quality and accountability established under section 55A of chapter 15 of the General Laws; provided, that not less than $100,000 shall be expended by the office to examine schools in the districts of Boston, Lawrence, Worcester, Springfield, Lowell, Fall River, New Bedford, Brockton, Holyoke and Lynn for the purpose of identifying the specific practices, policies, and programs that would make urban school districts successful $3,430,618

7061-9010 For fiscal year 2007 reimbursements to certain cities, towns and regional school districts of charter school tuition and the per pupil capital needs component included in the charter school tuition amount for commonwealth charter schools, as calculated under subsections (nn) and (oo) of section 89 of chapter 71 of the General Laws; provided, that notwithstand-

ing the provisions of subsection (nn) of section 89 of chapter 71 of the General Laws or any other general or special law to the contrary, the per pupil capital needs component of the commonwealth charter school tuition rate for fiscal year 2007 shall be $811; and provided further, that if the amount appropriated is insufficient to fully fund all reimbursements required by said section 89, the department shall fully reimburse the cost of said per pupil capital needs component and shall pro-rate the tuition reimbursements calculated under said subsection (oo) $73,790,525

7061-9200 For the education technology program $768,866

7061-9300 For the Education Data Warehouse and Reporting System (Data Warehouse); provided, that not less than $200,000 shall be expended on hardware; and provided further that not less than $4,500,000 shall be expended on a statewide software license $5,200,000

7061-9400 For student and school assessment including the administration of the Massachusetts comprehensive assessment system (MCAS) exam established by the board of education pursuant to the provisions of section 1D and 1I of chapter 69 of the General Laws and for grants to school districts to develop portfolio assessments for use in individual classrooms as an enhancement to student assessment; provided, that as much as is practicable, especially in the case of students whose performance is difficult to assess using conventional methods, such instruments shall include consideration of work samples and projects and shall facilitate authentic and direct gauges of student performance; provided further, that such portfolio assessments shall not replace the statewide standardized assessment based on the curriculum frameworks; provided further, that all school assessments shall center on the academic standards embodied in the curriculum frameworks and shall involve gauges which shall be relevant and meaningful to students, parents, teachers, administrators and taxpayers pursuant to the first paragraph of section 1L of chapter 69 of the General Laws; and provided further, that notwithstanding any general or special law to the contrary, assessment of proficiency in English shall be administered in English $27,800,000

7061-9404 For grants to cities, towns and regional school districts to provide

targeted remediation programs in English and math to students in the classes of 2003 and beyond, scoring in level one on the Massachusetts Comprehensive Assessment System (MCAS) exam established by the board of education pursuant to the provisions of sections 1D and 1I of said chapter 69 of the General Laws; provided, that the department and districts shall ensure that services are available to students with disabilities; provided further, that, in awarding remediation funds, preference may be given to schools and districts at risk of or determined to be under-performing in accordance with said sections 1J and 1K of said chapter 69; provided further, that the purpose of this program shall be to improve students' performance on the MCAS exam through replication of services and educational strategies with proven results as determined by the department of education that may include but shall not be limited to: integrated tutoring and mentoring programs, supplemental web-based tutorial programs that are diagnostic and prescriptive, weekend and school vacation programs focused on English and math remediation, the English and math components of comprehensive after school programs, and the remediation component of summer programs; provided further, that such programs shall supplement currently funded local, state, and federal programs at the school or district; provided further, that such grants and assistance shall be used solely for the academic portions of such programs, and shall focus on the acquisition of skills in English and math needed to pass the MCAS; provided further, that funds shall be expended for a competitive grant program to fund academic support and college transition services to be implemented in fiscal year 2007, and operated by public institutions of higher learning or by public-private partnerships in the commonwealth, for students in the graduating classes of 2003, 2004, 2005 and 2006 who have completed high school but have not yet obtained a competency determination as defined in section 1D of chapter 69 as measured by the MCAS assessment instrument authorized by said section 1I of said chapter 69, but who are working to pass the English and math MCAS tests, obtain a competency determination, and earn a high school diploma; provided further, that for the purpose of the programs, appropriated funds may be expended through August 31, 2007 to

allow for summer remediation programs; provided further, that funds shall be expended for a competitive grant program to fund Pathways programs targeting eleventh and twelfth graders, instituted by local school districts, public institutions of higher education and qualified public and private educational services organization and One Stop Career Centers including, but not limited to, school-to-work connecting activities creating worksite learning experiences for students as an extension of the classroom, outreach programs for students who will need post-twelfth grade remediation to attain the skills necessary to pass MCAS, and counseling programs to educate parents and high school students on post-twelfth grade remediation options; provided further, that funds shall be expended for a competitive grant program, guidelines for which shall be developed by the department of education, for intensive remediation programs, in communities with students in the graduating classes of 2003 to 2008, inclusive, who have not obtained a competency determination on either the tenth grade English or math MCAS exams; provided further, that the department of education may give preference for such assistance to those districts with a high percentage of high school students scoring in level one on the MCAS exam in English and math; provided further, that eligible applicants shall include individual high schools, and those institutions which shall have partnered with a high school or group of high schools, including but not limited to, institutions of public and private higher education, providers of adult basic education services, career centers, other public and private educational services organizations, including, but not limited to, JFY networks, a non-profit corporation, and after-school programs with a structured academic component and focused on MCAS remediation operated by public and non-public entities including, but not limited to, members of the National Alliance of Boys and Girls Clubs; provided further, that no district shall receive a grant from this appropriation until said district submits to the department of education a comprehensive district plan pursuant to the provisions of section 1I of chapter 69, to improve performance of all student populations including, but not limited to, students with disabilities; provided further, that

not less than $1,000,000 shall be transferred to JFY networks, a non-profit corporation formerly Jobs for Youth, for a matching grant for the purposes of enhancing student performance on the Massachusetts Comprehensive Assessment system examination through instructional computer software; provided further, that the department shall issue a report, no later than February 1, 2007 and annually thereafter as a condition of continued funding under this account, in collaboration with the board of higher education, describing MCAS support programs for the graduating classes of 2003 to 2008, inclusive, funded by items 7061-9404 and 7027-0019, school to work accounts, institutions of public higher education, and other sources, including federal sources; provided further, that such report shall include, but not be limited to, the number of students eligible to participate in such programs, the number of students participating in such programs, the number of students who have passed the MCAS assessment and obtained a competency determination through these programs, but not met local graduation requirements, and the number of students who have passed the MCAS assessment and obtained a competency determination through these programs and met local graduation requirements; provided further, that said report shall be provided to the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; provided further, that the department may expend up to $350,000 to administer programs funded herein; and provided further, that any grant funds distributed from this item to a city, town or regional school district shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee of such city, town, or regional school district without further appropriation, notwithstanding any general or special law to the contrary; provided further, that $300,000 shall be transferred to the Efficacy Institute for work in 'Campaigns for Proficiency' in Springfield, Boston and Lawrence, to be used for training public school teachers and youth workers in after-school programs in methods for using assessment data to develop effective strategies to improve student perform-

ance on the MCAS; provided further, that not less than $75,000 shall be expended for Link Services at the Pettengill House to provide advocacy counseling, referrals, emergency assistance and prevention education programs to the children and families of both Triton Regional and Amesbury Public Schools; provided further, that not less than $125,000 shall be expended for Casa Dominicana in Lawrence; provided further, that not less than $100,000 shall be expended for Lawrence Learning Center and Community Development in the City of Lawrence; provided further, that not less than $50,000 shall be expended for Centro Latino de Chelsea to provide adult basic education services in the city of Chelsea; provided $50,000 shall be expended for The WhizKids Foundation Inc.; provided further, that not less than $370,000 shall be allocated to the Framingham public schools to evaluate existing dual-immersion programs in the town of Framingham and elsewhere in the commonwealth including an evaluation of best practices and all professional development related to these programs; provided further, that any evaluation will examine the likelihood and efficiency of replication of these programs and practices in school districts with large percentage of English language learners; provided further, that these funds may be expended for professional development related to these programs; provided further, that $50,000 shall be expended for the Astro Park Astronomy Facility at Barnstable High School; provided further, that not less than $20,000 shall be expended for a Brown Eyes Blue Eyes Pilot Project, linking performance to perception to improve assessment exam scores by teaching children how to recognize faulty stereotypes inherent in racism for schools in Falmouth, Mashpee, Bourne, Barnstable and Springfield; provided further, that not less than $100,000 shall be expended for the clean slate program to provide classroom and community service supervision for youthful offenders; provided further, that not less than $15,000 shall be expended for after school programs for at-risk youth in the city of Lynn; and provided further, that not less than $180,000 shall be expended for the Invest-in-Kids program to provide after school programs in the city of New Bedford $10,332,793

7061-9408 For targeted intervention to schools and districts at risk of or determined to be underperforming under sections 1J and 1K

of chapter 69 of the General Laws; provided, that no money shall be expended in any school or district that fails to file a comprehensive district plan pursuant to the provisions of section 1I of said chapter 69 of the General Laws; provided further, that funds may be expended on grants which allow for the implementation of whole school reform in said schools and districts; provided further, that the department shall only approve reform plans with proven, replicable results in improving student performance; provided further, that in carrying out the provisions of this item, the department may contract with school support specialists, turnaround partners, and such other external assistance as is needed in the expert opinion of the commissioner, to successfully turn around failing school and district performance; provided further, that no funds shall be expended on targeted intervention unless the department shall have approved, as part of the comprehensive district improvement plan, a professional development plan which addresses the needs of the district as determined by the department; provided further, that eligible professional development activities for purposes of this item shall include, but not be limited to: professional development among teachers of the same grade levels and teachers of the same subject matter across grade levels, professional development focused on improving the teacher's content knowledge in the field or subject area in which the teacher is practicing, professional development which provides teachers with research based strategies for increasing student success, professional development teaching the principles of data driven instruction, and funding which helps provide common planning time for teachers within a school and within the school district; provided further, that preference in the awarding of such funds shall be given to professional development in math and English content skills; provided further, that funds from any targeted intervention grant may be used to partially offset the cost of said professional development and common planning time; provided further, that funds may be expended for the purchase of instructional materials pursuant to section 57 of chapter 15 of the General Laws; provided further, that no funds shall be expended on instructional materials except where the purchase of such materials is part of a comprehensive plan to align the school

or district curriculum with the Massachusetts curriculum frameworks; provided further, that the department shall issue a report, no later than February 1, 2007 and annually thereafter describing and analyzing all intervention and targeted assistance efforts funded by this item; provided further, that such report shall include but not be limited to: the number of school and school districts eligible to receive such assistance, the number of students attending school in said districts, the nature and type of intervention activities funded through this item, by school and school district, the number of teachers in professional development funded in part through this item, the number of districts with curricula or professional development systems aligned with the Massachusetts curriculum frameworks, and the number that are undertaking that effort with grants funded by this item, the number of outside vendors with whom the department has contracted to provide intervention and turnaround services, the amount each vendor has received, and the results obtained in each instance, the number of students who have passed the MCAS assessment and obtained a competency determination through these programs, before, and during the period of intervention and turnaround, and any other data relative to the successes achieved or challenges faced by the effort to turn around schools, along with any legislative or budgetary recommendations for improving the initiative and increasing the success of all intervention efforts; provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; provided further, that no funds shall be expended on recurring school or school district expenditures unless the department and school district have developed a long term plan to fund such expenditures from the district's operational budget; provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2007 to allow for intervention, and provided further, that any funds distributed from this item to a city, town or regional school district shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee of such

city, town, or regional school district without further appropriation, notwithstanding any general or special law to the contrary $4,977,344

7061-9411 For the creation of leadership academies for principals and superintendents pursuant to section 58 of chapter 15 of the General Laws; provided, that said training shall focus on expanding and increasing the capacity of the principal or superintendent to be an instructional and educational leader within the district or school; provided further, that said training shall include, but not be limited to: training in effective personnel evaluation, curriculum development, with a focus on aligning the district and school curriculum with the Massachusetts curriculum frameworks established pursuant to chapter 69 of the General Laws, school based management skills, with a focus on distributed leadership, data analysis skills that enhance the capacity of the principal or superintendent to use student achievement data to drive instructional change, and techniques for developing collaborative relationships with parents and community organizations; provided further, that the department shall issue a report, no later than February 15, 2007, on the implementation of this initiative, which shall include, but not be limited to, the number of principals and superintendents who have been trained in such academies, the number who have expressed interest in such academies, the level of need for leadership training, the most commonly requested types of training, and a preliminary analysis of the effectiveness of the academies in improving the quality of instructional leadership in the Commonwealth; provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; and provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2007 to allow for principal and superintendent training which occurs in the summer months $1,000,000

7061-9412 For grants to cities, towns and regional school districts for the purpose of planning for and implementing extended learning time in the form of longer school days or school years at selected schools; provided, that implementation grants shall

only be provided under this item to schools and districts which submitted qualifying applications which were approved by the department in fiscal year 2006; provided further, that in approving extended learning time implementation grant applications, preference shall be given to districts with high poverty rates or a high percentage of students scoring in levels I or II on the Massachusetts comprehensive assessment system, those districts whose plans have the greatest potential for district-wide impact, those districts that plan to use partnerships with community-based organizations and institutions of higher education, and those districts whose plans include a comprehensive restructuring of the entire school day or year to maximize the use of the additional learning time; provided further, that the department shall approve implementation plans that include an appropriate mix of additional time spent on core academics, additional time spent on enrichment opportunities such as small group tutoring, homework help, music, arts, sports, physical activity and project-based experiential learning, and additional time for teacher preparation and professional development; provided further, that the department shall only approve implementation plans that assume not more than $1,300 per pupil per year in future state appropriations of extended learning time implementation funds; provided further, that in extraordinary cases the department may exceed the $1,300 per pupil per year limit; provided further, that the department shall review all qualified proposals and award approved grants not later than August 15, 2006; provided further that the department may expend up to $500,000 on planning grants as part of the department's school redesign: extended learning time to support student success grant program; provided further, that to be qualifying, planning grant applications must contain but need not be limited to the process the district will use to create an extended learning time implementation plan, the stated intent to add no less than 25 per cent additional time or 300 hours to the current school schedule for all students in participating schools, the rationale for extending learning time including specific goals, and the anticipated number of schools and students that will receive extended learning time; provided further, that all school districts are eligible to apply for planning grants but not less

than 60 per cent of said grants shall be awarded to qualifying district where 25 per cent or more of students are eligible for free or reduced-price meals under the federally funded school meals program; provided further, that the department shall review all qualified proposals and award planning grants not later than November 1, 2006; provided further, that upon being awarded said planning grants each district will create a detailed extended learning time implementation plan; provided further that teachers, parents, community members and partner organizations participate in the development of said implementation plan; provided further, that in carrying out the provisions of this item, the department may expend up to $75,000 to administer the grant including providing technical assistance and support to participating districts and evaluation of the implementation grant program; provided further, that the department shall issue an annual report not later than February 1, 2007, on the implementation of plans in all participating districts; provided further that this report shall include, but not be limited to: the names of schools and school districts participating; the number of students attending these schools; the nature and type of changes made in participating schools as a result of this program; provided further that the department shall also provide not later than February 1, 2007, an anticipated budget for this program for the next fiscal year, provided that such budget include the number of participating students anticipated to be attending schools receiving funding subsequent planning grants, and a recommendation for the appropriate amount of per pupil funding for implementation plans in fiscal year 2008; provided further, that this report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; provided further, that for the purpose of this item, appropriated funds may be expended through August 31st, 2007, to allow for planning and implementation during the summer months; and provided further, that any grant funds distributed from this item to a city, town or regional school district shall be deposited with the treasurer of such city, town or regional school district and

held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding any general or special law to the contrary $6,500,000

7061-9600 For a discretionary grant pilot program with the purpose of providing monies to school districts and state public institutions of higher education partnering together to offer concurrent enrollment programs for students with disabilities as defined in section 1 of chapter 71B of the General Law ages 18-22; provided that said students with disabilities can be enrolled in any credit or noncredit courses that include nondisabled students; and provided further that the department, in consultation with the board of higher education shall develop guidelines to ensure that the grant program promotes civic engagement and mentoring of faculty in state institutions of higher education, and supports college success, work success, and provision of a free appropriate public education in the least restrictive environment $2,000,000

7061-9604 For teacher preparations $1,806,679

7061-9610 For matching grants of $1,000 per enrolled child to Citizen Schools after-school learning programs for middle school children across the commonwealth including, but not limited to, those administered in Boston by Citizen Schools, in Lowell by Community Teamwork, Inc., in Malden by the Partnership for Community Schools, in New Bedford by Positive Action Against Chemical Addiction, in Springfield by The Martin Luther King Jr. Community Center and, in Worcester by the Greater Worcester YMCA, upon documentation by Citizen Schools of $1 in private sector, local or federal funds for every $1 in state funds, and that all funds go to programs certified by Citizen Schools, Inc.; provided further that up to $50,000 of the $300,000 shall be available to Citizen Schools Inc. to support state-wide training and evaluation efforts, and to further establish the efficacy of the Citizen Schools program in promoting school success, high school completion and college and workforce success for low-income, at-risk students across the commonwealth $300,000

7061-9611 For grants or subsidies for after-school and out-of-school programs; provided, that preference shall be given to after-school proposals developed collaboratively by public and non-public

schools and private community based programs; provided further, that the department shall fund only those applications which contain accountability systems and measurable outcomes, under guidelines to be determined by the department in consultation with the department of early education and care; provided further, that applicants shall detail funds received from all public sources for existing after school and out-of-school programs and the types of programs and type of students served by said funds; provided further, that funds may be directed to increase comprehensive after school and out of school time programming to school age children and youth during the school year and the summer, including but not limited to 21st century community learning centers programs; provided further, that funds from this item may be used for a variety of activities, including but not limited to: (1) academic tutoring and homework centers where content is linked to and based on the curriculum guidelines promulgated by said department, (2) programs which improve the health of students, including physical activities, athletics, nutrition and health education, and exercise, (3) art, theater, and music programs developed in collaboration with the Massachusetts cultural council, local cultural councils, or cultural organizations in the Commonwealth funded by the Massachusetts cultural council, (4) enrichment activities not otherwise provided during the school day, (5) advanced study for the gifted and talented, and (6) community service programs; provided further, that $100,000 from this item shall be expended for services that actively include children with disabilities in after-school programs that also serve non-disabled children and services that include children where English is a second language, including but not limited to: increased per-child reimbursement rates, additional staff, technical assistance, training, and transportation; provided further, that the department of education shall consult the executive office of health and human services and the department of early education and care to maximize the provision of wrap-around services and to coordinate programs and services for children and youth during after-school and out-of-school time programs; provided further, that the department shall select grant recipients not later than September 30, 2006, and shall report

on the preliminary results of said grants not later than February 15, 2007, to the secretary of administration and finance, the house and senate chairs of the joint committee on education, and the chairs of the house and senate committees on ways and means; and provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2007 to allow for implementation of said programs during the summer months; and provided further that $50,000 be directed to the Massachusetts After school Partnership to convene regional networks, to work with the department of education and the department of early education and care to support the implementation of school-community partnerships, and to submit a report by October 15, 2007, to the General Court and the administration making recommendations on how to enhance school-community partnerships and positive outcomes for children and youth through funding as provided in this line item $1,000,000

7061-9612 For the school of excellence program at the Worcester Polytechnic Institute; provided, that every effort shall be made to recruit and serve equal numbers of male and female students; provided further, that sending districts of students attending the Institute shall not be required to expend any funds for the cost of these students while in attendance at the Institute; provided further, that the Massachusetts Academy of Mathematics and Science shall provide professional development activities at the school located at Worcester Polytechnic Institute, including salary and benefits for master teachers and visiting scholars; provided further, that the academy shall file a report with the joint committee on education and the house and senate committees on ways and means by February 1, 2007 detailing the professional development activities; provided further, that the department of education shall provide a subsidy to the Worcester Polytechnic Institute to operate a school of excellence in mathematics and science; and provided further, that not less than $150,000 shall be expended for the University of Massachusetts at Lowell to develop, plan and conduct a pilot program in preparation for establishing a new program in math, science, engineering and technology for academically accelerated students in their final

2 years of high school $1,525,231

7061-9614 For the alternative education grant program established pursuant to section 1N of chapter 69 of the General Laws, provided that the commissioner shall allocate funds for both subsections (a) and (b) of said section 1N of said chapter 69 .. $1,250,000

7061-9619 For the purpose of funding the Benjamin Franklin Institute of Technology; provided, that the institute shall have access to the Massachusetts education computer system; and provided further, that the institute may join the state buying consortium $300,001

7061-9621 For the administration of a grant program for gifted and talented school children; provided, that the funds appropriated in this item shall be in addition to any federal funds available for the program; provided further, that priority shall be given to those grant applications that address the needs of students who are identified by any of the following criteria: (1) the result of a standardized aptitude examination which is 3 or more standard deviations above the mean; (2) an evaluation by the child's teachers that the child does perform, or is capable of performing, satisfactorily at 2 or more grade levels above the child's chronological age; or (3) a score on the math or verbal Scholastic Aptitude Test by a child of not more than 13 years of age which is equal to, or greater than, the average on either test obtained by college-bound high school juniors; provided further, that the programs may be made available by a city, town or regional school district; and provided further, that for the purpose of the programs, appropriated funds may be expended through August 31, 2007 ..... $750,000

7061-9626 For grants and contracts with youth-build programs for the purposes of providing comprehensive youth-build services ... $2,050,000

7061-9634 For a transfer of this item to the Massachusetts Service Alliance, which shall be solely responsible for administering a grant program for public and private agencies with mentoring programs for the recruitment and training of mentors and for other supporting services including, but not limited to, academic support services; provided, that the department of education shall transfer the amount appropriated in this item to the Massachusetts Service Alliance for the purpose of these grants; provided further, that in order to be eligible to receive

funds from this item, each public or private agency shall provide a matching amount equal to $1 for every dollar disbursed from this item; provided further, that funds may be expended to support the mentoring activities of the planned learned achievement for youth program; provided further, that not more than $225,000 shall be expended for Camp Coca Cola New England to provide under-served youth development services with an emphasis on leadership training and community service; and provided further, that the Massachusetts Service Alliance shall submit a report detailing the expenditure of such funds and the amount and source of matching funds raised to the secretary of administration and finance and the house and senate committees on ways and means not later than December 29, 2006 ..... $712,000

7061-9804 For teacher content training in math and science; provided, that said training shall include math specialist and Massachusetts test for educator licensure preparation; provided further, that funds from this item shall be expended on content based professional development in math and science, with a focus on increasing the content knowledge of elementary and middle school math and science teachers in districts with a high percentage of students scoring in level one or two on the math or science MCAS exams, or in districts which are at risk of or determined to be underperforming in accordance with sections 1J and 1K of chapter 69 of the General Laws; provided, that such professional development courses shall demonstrate proven, replicable results in improving teacher and student performance, and shall demonstrate the use of best practices, as determined by the department, including data comparing pre-training and post-training content knowledge; provided further, that not less than $1,000,000 of said funds shall be expended on a pilot scholarship program for math and science teachers who have received waivers from certification regulations, and are "out of field teachers", so-called; provided further, that the board of education, acting jointly with the board of higher education, shall establish appropriate guidelines and application criteria for the administration of the program; provided further, that the scholarship shall cover the cost of tuition, fees, and related expenses as determined by the boards for up to three courses

per semester in degree granting programs for math and science teachers who are taking higher education courses or pursuing degrees to meet the teacher certification requirements of the department of education; provided further, that eligible recipients shall be math and science teachers who are working in the commonwealth and who commit to continue teaching math and science for a term of service after graduation to be determined by the boards; provided further, that preference shall be given to applicants identified by their superintendent or principal as highly talented educators who have already displayed commitment to education and to instructional excellence, who do not otherwise meet the certification requirements of the department, but who have displayed talent and capability in working with children that make them strong applicants for this scholarship opportunity; provided further, that the department shall report, not later than February 15, 2007, on the number of educators provided content training under this item, the estimated number of math and science teachers currently teaching without certification, and any legislative or regulatory recommendations necessary to make middle school and elementary math and science education more rigorous and data driven; and provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education $2,000,000

Board of Higher Education.

7066-0000 For the operation of the board of higher education; provided, that the board shall recommend savings proposals that permit institutions of public higher education to achieve administrative and program cost reductions, resource re-allocation and program re-assessment and to utilize resources otherwise available to such institutions; provided further, that in order to meet the estimated costs of employee fringe benefits provided by the commonwealth on account of employees of the Massachusetts State College Building Authority and the University of Massachusetts Building Authority, and in order to meet the estimated cost of heat, light, power and other services, if any, to be furnished by the

commonwealth to projects of these authorities, the boards of trustees of the state colleges and the University of Massachusetts shall transfer to the General Fund from the funds received from the operations of the projects such costs, if any, as shall be incurred by the commonwealth for these purposes in the current fiscal year, as determined by the appropriate building authority, verified by the chancellor of higher education and approved by the secretary of administration and finance; and provided further, that $500,000 shall be expended for the Massachusetts Nursing and Allied Health Workforce Development Initiative, to develop and support strategies that increase the number of Massachusetts public higher education faculty members and students who participate in programs that support careers in fields related to nursing and allied health $2,753,819

7066-0005 For the commonwealth's share of the cost of the compact for education $124,000

7066-0009 For the New England board of higher education $461,086

7066-0015 For the community college workforce training incentive grant program established in section 15F of chapter 15A of the General Laws $2,300,000

7066-0016 For a program of financial aid to support the matriculation of certain persons at public and private institutions of higher learning; provided, that only persons in the custody of the department of social services under a care and protection petition upon reaching the age of 18, or persons in the custody of the department matriculating at such an institution at an earlier age, shall qualify for such aid; provided further, that no such person shall be required to remain in the custody of the department beyond age 18 to qualify for such aid; provided further, that this aid shall not exceed $6,000 per recipient per year; and provided further, that this aid shall be granted after exhausting all other sources of financial support $1,300,000

7066-0022 For the implementation of a graduation task force initiative to improve the graduation rate at state and community colleges as outlined by the Board of Higher Education; provided that the department shall issue a report, not later than February 15, 2007, on the implementation of this initiative, which shall include, but not be limited to, the number of schools that are participating in the program, the number that have expressed interest, and a preliminary analysis of the effective methods

used to achieve the goal of an increased graduation rate; provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on higher education $75,000

7070-0031 For the McNair component of the financial assistance program to increase access to public and independent institutions of higher education for students who meet certain income eligibility standards developed by the chancellor of higher education and for students with serious physical impairments, known as the Ronald E. McNair education opportunity program $1,965,638

7070-0065 For a scholarship program to provide financial assistance to Massachusetts students enrolled in and pursuing a program of higher education in any approved public or independent college, university, school of nursing, or any other approved institution furnishing a program of higher education; provided, that the Massachusetts state scholarship office shall expend not less than $13,495,295 for Foster Furcolo community college access grants to ensure that no Massachusetts resident enrolled in and pursuing an associate's degree in any of the community colleges pays more than $500 in tuition and fees net of any federal or state scholarship or tax credit; provided further, that any resident whose expected family contribution level, as determined under the federal methodology established under Part F of Title IV of the Higher Education Act of 1965, as amended, is not more than $2,250, shall incur no net tuition and fee costs after deducting any federal or state scholarship or tax credit from financial need as calculated by the state scholarship office; provided further, that residents who are not fully eligible for the federal HOPE tax credit based on their exceeding maximum income eligibility limits, shall not be eligible for the grants; provided further, that not less than $9,896,550 shall be expended for state college access grants; provided further, that any Massachusetts resident enrolled in and pursuing a bachelor's degree in any of the state colleges whose expected family contribution level, as determined according to the federal methodology established pursuant to Part F of Title IV of the Higher Education Act of 1965, as amended, is not more than

$2,000, shall incur no net tuition and fee costs after deducting any federal or state scholarship or tax credit from financial need as calculated by the state scholarship office; provided further, that not less than $8,697,220 shall be expended for a program of needs-based financial assistance for Massachusetts residents enrolled in and pursuing a program of higher education in the University of Massachusetts; provided further, that $3,148,902 shall be expended for the part-time student grant program; provided further, that of the sum appropriated in this item, not less than $427,351 shall be obligated for the purposes of the Massachusetts plan, under section 5C of chapter 15C of the General Laws; provided further, that the Massachusetts state scholarship office shall expend not less than $20,023,508 to provide for matching scholarship grants to needy Massachusetts students at participating Massachusetts independent regionally accredited colleges, universities, and schools of nursing; provided further, that not less than $200,000 shall be made available to provide financial assistance for Massachusetts residents enrolled at public higher education institutions to participate in the Washington Center-Massachusetts Initiative Academic Internship program; provided further, that except as otherwise provided in this act, all financial assistance mentioned previously in this item shall be distributed to students demonstrating the greatest need as determined by an eligibility index used by the state scholarship office; provided further, that students awarded full or partial scholarships under the Christian A. Herter Memorial Scholarship Program, established in section 16 of chapter 15A of the General Laws, who have matriculated in a program of higher education outside the commonwealth may continue to receive the scholarship aid guaranteed by that program; provided further, that the state scholarship office may expend monies for the public service awards as established in section 16 of chapter 15A; provided further, that the chancellor of higher education, in coordination with the Massachusetts state scholarship office, shall adopt regulations governing the eligibility and the awarding of financial assistance; provided further, that not more than $1,589,945 shall be expended on the administration of the scholarship program; provided further, that not less than $3,000,000 shall be expended on a scholarship program

for all early childhood educators in the commonwealth pursuant to clause (10) of section 5 of chapter 15D of the General Laws; provided, that the board of higher education, acting jointly with the board of early education and care, shall establish appropriate guidelines and application criteria for the administration of the program; provided further, that the loan shall cover the cost of tuition, fees, and related expenses as determined by the boards for up to three courses per semester in degree granting programs for early educators who are pursuing associates, bachelors, or masters level degrees to meet the teacher and program quality standards of the department of early education and care; provided further, that eligible recipients shall be early educators and providers who are working in early education and care programs in the commonwealth and who commit to teaching in early education and care programs for a term of service after graduation to be determined by the boards; provided further, that preference shall be given to applicants identified by the local councils funded by item 3000-2025 or by the regional offices funded by item 3000-2000 as highly talented providers who have already displayed commitment to early childhood education as demonstrated by longevity in the field, who do not otherwise meet the program and quality standards of the department, but who have displayed talent and capability at working with young children that make them strong applicants for this scholarship opportunity; provided that not less than $850,000 shall be directed to One Family Inc. for the purposes of administering and sponsoring a scholarship program for the higher education of heads-of-household for homeless families with children under the age of 18, or who are at-risk of homelessness as determined by the federal poverty level, or who have experienced homelessness within the previous 12 months; provided further that said funds shall be expended for scholarships and assistance with living expenses at accredited institutions of higher learning in the commonwealth; provided further, that each scholarship shall be matched dollar-for-dollar by One Family Inc.; provided further that the scholarship recipients in said program shall be monitored and tracked for their progress and that the results shall be reported to the commonwealth on a bi-annual basis through the board of higher education; provided further, that

One Family Inc. shall work with the board of higher education on said program eligibility criteria and regulations; provided further, that One Family Inc; shall submit a report to the joint committee on ways and means no later than January 15, 2007; provided further, that said report shall include the number of applications for said grants in fiscal year 2007, number of awards granted, amount of said awards and program projections for fiscal year 2008; provided further, that not less than $2,249,216 shall be provided for grants to residents of the commonwealth who are working as paraprofessionals in public schools of the commonwealth while pursuing a bachelor's degree at a public or independent college or university in the commonwealth in order to become a certified teacher in Massachusetts; and provided further, that eligibility shall be limited to persons who have worked as paraprofessionals in the public schools of the commonwealth for a minimum of two years before receipt of such grant, or who are enrolled in and pursuing courses of study that will lead to certification as a teacher in bilingual education, special education, math, science, or foreign languages, and who commit to teach and actually teach, for a period determined by the board of higher education, in the public schools of the commonwealth upon graduation and certification pursuant to section 38G of chapter 71 ..... $89,867,706

7077-0023 For a contract with the Tufts School of Veterinary Medicine; provided, that funds appropriated in this item shall be expended under the Massachusetts resident veterinary tuition remission plan submitted January 8, 1998, for supportive veterinary services provided to the commonwealth; provided further, that prior year costs may be paid from this item; provided further, that funds appropriated in this item shall support bioterrorism prevention research related to diseases that can be transmitted from animals to humans, in consultation with Massachusetts emergency authorities; and provided further, that the school shall work in consultation with the Norfolk County Agricultural School on veterinary programs $5,325,000

7080-0200 For the Bay State Reading Institute, Inc.; provided, that the program shall be administered under contract to Middlesex Community College in programmatic collaboration with Fitchburg State College; provided further, that the Institute shall provide

literacy based intervention in schools and districts at risk of or determined to be underperforming in accordance with sections 1J and 1K of chapter 69 of the General Laws; provided further, that preference in the awarding of said funds shall be given to schools and districts with a high percentage of minority or low-income students; provided further, that such school-wide literacy-based intervention programs shall be based on effective, research-based instruction in reading, as called for in Reading First; provided further, that in its evaluation of applications for said initiative, the executive director of said initiative may take into consideration schools' cumulative grade 3 MCAS scores; provided further, that such school-wide literacy-based intervention programs shall provide for the evaluation and tracking of all students' reading and writing skills at least annually, shall include measurable goals and benchmarks, shall be led by a school-based planning team which includes teaching faculty and the school principal, shall provide for the training of teachers in effective, research-based strategies for reading instruction and shall include a school-wide literacy coordinator who shall be responsible for the coordination and training of other school staff; provided further, that said initiative shall require that participating schools engage in frequent assessment of the progress of individual students, including diagnostics to pin-point the source of difficulty for struggling students, use small-group, student-centered instruction for a substantial part of the school day in order to allow teachers to meet the needs of individual students and differentiate instruction to help every student reach his or her potential, use research-based interventions that address the particular needs of struggling students, focus on literacy instruction, including writing across the curriculum, monitor progress frequently to make sure that the strategies used with these students are working, and seek out additional funding for after-school time and for substitutes to give teachers an opportunity to plan together, to take a leadership role in implementing change, and to meet with and observe their peers in partner schools; and provided further, that funds appropriated in this item for said initiative may be expended through June 30, 2008 ..... $1,500,000

7520-0424 For a health and welfare reserve for eligible personnel employed at the community and state colleges $4,823,000

University of Massachusetts.

7100-0200 For the operation of the University of Massachusetts; provided, that notwithstanding any general or special law to the contrary, the university may establish and organize auxiliary organizations, subject to policies, rules and regulations adopted by the board, to provide essential functions which are integral to the educational mission of the university; provided further, that notwithstanding any general or special law to the contrary, the university may enter into leases of real property without prior approval of the division of capital asset management and maintenance; provided further, that not less than $500,000 shall be expended in fiscal year 2007 for the University of Massachusetts at Amherst Cranberry Station at Wareham; provided further, that such funds shall be expended under a plan reviewed and recommended by the University of Massachusetts at Amherst Cranberry Experiment Station Board of Oversight; provided further, not less than $70,000 shall be expended for the state cranberry bog renovation at the University of Massachusetts at Amherst Cranberry Station at Wareham; provided further, that not less than $500,000 shall be expended for the Center for Portuguese Studies to operate at the University of Massachusetts at Dartmouth; provided further, that not less than $50,000 shall be expended for the UMASS Dartmouth Center for Business Research; provided further, that not less than $380,000 shall be expended for the School for Marine Environmental Science Technology and Fisheries to operate at the University of Massachusetts at Dartmouth; provided further, that the sum expended for the UMass Extension in fiscal year 2007 shall be adjusted only in direct proportion to university budget adjustments to other academic programs of the University of Massachusetts at Amherst; provided further, that such funds shall be expended in accordance with a plan reviewed and recommended by the UMass Extension Board of Public Overseers; provided further, that not less than $50,000 shall be expended for the 4-H program; provided further, that not less than $250,000 shall be expended for labor studies programs at the Amherst, Boston, Dartmouth and Lowell campuses; provided further,

that funding for the William Joiner Center for the Study of War and Social Consequences shall be funded at an amount not less than was allocated in the previous fiscal year; provided further, that not less than an additional $60,000 shall be appropriated for the Hispanic Writers in the Schools program; provided further, that not less than $368,000 shall be expended for the Maurico Gaston Institute for Latino Community Development and Public Policy at the University of Massachusetts at Boston; provided further, that not less than $60,000 shall be expended for the Grace Grossman Inner-City Youth Collaborative at the University of Massachusetts Field Station on Nantucket; provided further, that not less than $150,000 shall be expended for a pilot program at the University of Massachusetts at Lowell environmental health and safety department for the use of fire resistant intumescent/refractory paint; provided further, that not less than $60,000 shall be expended for the Sustainable Urban Redevelopment Program at the University of Massachusetts at Lowell; and provided further, that not less than $350,000 shall be expended for the William Monroe Trotter Institute at the University of Massachusetts at Boston $443,803,408

7100-0300 For the operation of the Toxics Use Reduction Institute program at the University of Massachusetts at Lowell, in accordance with section 6 of chapter 21I of the General Laws $1,323,948

7100-0500 For the operation of the board of higher education's Commonwealth College Honors program at the University of Massachusetts at Amherst $3,430,000

7100-0700 For the operation of the office of dispute resolution at the University of Massachusetts at Boston under section 46 of chapter 75 of the General Laws $166,440

State Colleges.

7109-0100 For Bridgewater State College; provided, that not less than $245,814 shall be expended for the operation of the John Joseph Moakley Center for Technological Applications $37,159,230

7110-0100 For Fitchburg State College; provided, that Fitchburg State College may expend funds to assist public schools in the cities of Gardner, Fitchburg and Leominster to build capacity, including professional development, infrastructure and hard-

ware, for a pilot wireless learning initiative in Worcester county $25,834,184

7112-0100 For Framingham State College; provided, that not less than $160,000 shall be expended for the regional economic research center; provided further, that $130,000 shall be expended for the operation of the commonwealths' global education centers $22,388,664

7113-0100 For the Massachusetts College of Liberal Arts $13,047,888

7113-0105 For the Massachusetts College of Liberal Arts for capacity building in conjunction with a pilot wireless learning initiative in conjunction with the Massachusetts Technology Collaborative; provided, that not less than $100,000 shall be expended for the assessment and evaluation of the higher education resources available to residents of Berkshire County $350,000

7114-0100 For Salem State College $35,473,985

7114-0101 For a reserve for the operation and maintenance costs associated with the acquisition of the GTE/Sylvania property located in the city of Salem $701,000

7114-0105 For the aquaculture program at Salem State College established under section 274 of chapter 38 of the acts of 1995 ..... $200,000

7114-0106 For the second degree nursing program at Salem State College $922,313

7115-0100 For Westfield State College $21,866,728

7116-0100 For Worcester State College $22,020,727

7116-0101 For the Latino Education Institute at Worcester State College $250,000

7117-0100 For the Massachusetts College of Art $13,584,393

7118-0100 For the Massachusetts Maritime Academy; provided, that $325,000 shall be expended for the development of an alternative energy source with Massachusetts Technology Collaborative; and provided further, that $454,000 shall be expended for the one-time purchase of a liquid cargo simulator to provide training for public safety officials and other maritime agencies $13,186,243

Community Colleges.

7502-0100 For Berkshire Community College $8,644,847

7503-0100 For Bristol Community College $14,816,580

7504-0100 For Cape Cod Community College $10,496,463

7504-0101 For the operation of an environmental technology, education, and job training partnership through Cape Cod Community Col-

lege; provided, that the college shall coordinate the partnership with the Massachusetts Maritime Academy and the University of Massachusetts at Dartmouth; provided further, that the initiative shall be conducted at the Massachusetts military reservation, or at any site on Cape Cod determined by the college to be suitable for the purposes of on-site education and training in the use of alternative technologies to clean up designated superfund sites; provided further, that preference shall be given to local applicants; and provided further, that the executive office of environmental affairs and the University of Massachusetts at Dartmouth shall participate in the testing and evaluation of innovative technologies $126,652

7505-0100 For Greenfield Community College $8,557,238

7506-0100 For Holyoke Community College $17,120,203

7507-0100 For Massachusetts Bay Community College $13,345,432

7508-0100 For Massasoit Community College $18,763,263

7509-0100 For Mount Wachusett Community College; provided, that $100,000 shall be expended for the Latino education and family development program $11,436,390

7510-0100 For Northern Essex Community College $17,666,031

7511-0100 For North Shore Community College, including the post-secondary programs of the Essex Agricultural and Technical Institute operated by North Shore Community College $18,882,617

7511-0101 For the establishment and administration of the public policy institute and resource center at North Shore Community College $250,000

7512-0100 For Quinsigamond Community College $14,161,475

7514-0100 For Springfield Technical Community College $22,305,101

7514-0102 For the Massachusetts Center for Telecommunications and Information Technology through the Springfield Technical Community College Assistance Corporation, as established by section 125 of chapter 273 of the acts of 1994; provided, that the amount appropriated in this item shall include, but not be limited to, operating and maintaining cable television programming, distance learning curricula, telecommunications-intensive company facilities, and a small business incubator; provided further, that funds shall be allocated for a reserve for the operation and maintenance expenses incurred by Springfield Technical Community College associated with the acquisition of the Digital property; provided further, that

the college may expend revenues in an amount not to exceed $575,000 received from rent, utility, and other charges for the operation and maintenance of the property; and provided further, that funds shall be encumbered for an emergency reserve for unanticipated operating and maintenance expenses of Springfield Technical Community College in the acquisition of the Digital property $535,206

7515-0100 For Roxbury Community College $9,749,829

7515-0120 For the operation of the Reggie Lewis Track and Athletic Center at Roxbury Community College $946,000

7515-0121 For the Reggie Lewis Track and Athletic Center at Roxbury Community College; provided, that the college may expend an amount not to exceed $529,843 received from fees, rentals, and facility expenses associated with the running and operation of national track meets, high school track meets, high school dual meets, Roxbury Community College athletic events, other special athletic events, conferences, meetings, and programs; and provided further, that only expenses for contracted services associated with these events and for the capital needs of the facility shall be funded from this item; prior appropriation continued $529,843

7516-0100 For Middlesex Community College $18,511,485

7518-0100 For Bunker Hill Community College; provided, that $108,000 shall be obligated for the life focus center $19,121,261

EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.

Office of the Secretary.

8000-0000 For the office of the secretary, including the administration of the committee on criminal justice and the highway safety bureau to provide matching funds for a federal planning and administration grant pursuant to 23 U.S.C. section 402; provided, that not less than $150,000 shall be expended for the purpose of a targeted controlled substance interdiction pilot program to be administered jointly by the district attorney for Suffolk county and the chiefs of police for the city of Revere and the town of Winthrop; and provided further, that the office shall submit a report to the house and senate committees on ways and means not later than June 1, 2007 which shall include, but not be limited to, the quantity

and nature of drug seizures resulting from the implementation of the pilot program $2,298,049
General Fund 15.0%
Highway Fund 85.0%

8000-0010 For community policing grants to be administered by the executive office of public safety; provided, that no such grants shall be awarded to the department of state police; provided further, that any community that received funds through this item in fiscal year 2006 shall receive at least that amount in fiscal year 2007; provided further, that grants shall only be expended on items that are related to community policing activities, programs, purchases or construction; provided further, that grant funds shall not be expended on food and beverages, recruit training academy tuition, salaries and benefits for non-community policing personnel and payments for non-related overtime provided further, that $10,000 shall be expended for community policing activities in the city of Revere; provided further, that $30,000 shall be expended for community policing activities in the town of Lanesboro; and provided further, that, not later than March 15, 2007, the executive office of public safety shall submit a report to the house and senate committees on ways and means detailing the amount of grants awarded to these grant recipients and descriptions of these grants $21,311,035

8000-0040 For police career incentives to reimburse certain cities and towns for career incentive salary increases for police officers $51,202,122

8000-0050 For the firefighting equipment grant program for fire departments of every city, town, fire district and authority of the commonwealth to be administered by the executive office of public safety; provided that grants shall be distributed to municipalities according to a formula giving equal weight to each municipalities population; provided further, that eligible fire safety equipment under this program shall include, but is not limited to, turnout gear, hand-held power lights, communication devices, telephones, personal alert safety systems, so-called, air packs, tanks, compressors, thermal imaging devices and computerized personnel accountability systems, but shall exclude firefighter apparatus and vehicles; provided further that grants awarded by said executive office to a municipality under said program shall not be utilized for the purpose of personnel costs unless such costs constitute 50 percent or less

of the total grant award; provided further that no grant shall be awarded to the department of fire services; provided further that not later than February 1, 2007, the executive office of public safety shall submit a report to the house and senate committees on ways and means and to the secretary for administration and finance detailing the amount of grants awarded to said grant recipients and descriptions of said grants and each municipality will provide the executive office of public safety with a comprehensive list of the best-practices that have been instituted as a result of these grants .. $2,500,000

8000-0060 For the costs associated with implementation of chapter 228 of the acts of 2000; provided, that the secretary of public safety may allocate funds appropriated in this item to agencies within the executive office of public safety $150,000

8000-0202 For the purchase and distribution of sexual assault evidence collection kits; provided, that no funds shall be expended in the AA object class; and provided further, that administrative resources provided from other items for the implementation of this program in fiscal year 2006 shall not be reduced in fiscal year 2007 ..... $80,000

8000-0619 For the distribution of grants for city and fire district student awareness of fire education programs, to be known as S.A.F.E. programs, which shall include information about the fire risks caused by smoking; provided, that funds may be expended by the department of fire services for the purpose of performing grant related services and training $1,078,666

Office of Chief Medical Examiner.

8000-0105 For the operation of the office of the chief medical examiner established pursuant to chapter 38 of the General Laws; provided, that not less than $850,000 shall be expended for toxicology testing and results; and provided further, that the agency shall report to the house and senate committees on ways and means not later than December 31, 2006 detailing the reduction of turnaround time of toxicology tests and the reduction of the case backlog $7,717,219

8000-0106 For the operation and related costs of the state police crime laboratory; provided, that the analysis of narcotic drug synthetic substitutes, poisons, drugs, medicines, and chemicals shall be funded in this item in order to support the law enforcement efforts of the district attorneys, the state police and municipal

police departments; provided further, that the agency shall contract with a public institution to conduct testing for criminal cases; provided further, that the agency shall enter into agreements with the various district attorneys to provide forensic services for criminal cases brought forth by the commonwealth; and provided further, that the practices and procedures of the state police crime laboratory shall be informed by the recommendations of the Forensic Sciences Advisory Board $16,205,625

8000-0122 The office of the chief medical examiner may expend for its operations an amount not to exceed $1,300,000 in revenues collected from fees for services provided by the chief medical examiner; provided, that notwithstanding any general or special laws to the contrary, for the purposes of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the agency may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $1,300,000

Sex Offender Registry Board.

8000-0125 For the operation of the sex offender registry program, including, but not limited to, the costs of maintaining a computerized registry system and the classification of persons subject to the registry; provided, that the $75 registration fee paid by convicted sex offenders shall be directed from the General Fund to the sex offender registry board to be used to expand the victim services unit $3,972,913

Criminal History Systems Board.

8000-0110 For the operation of the criminal history systems board; provided, that the board shall fund 1 administrative assistant who shall be employed in the victim services unit of the board for the continued and enhanced operation of the post-conviction victim and witness certification program operated pursuant to chapter 258B of the General Laws and clause (c) of the first paragraph of section 172 of chapter 6 of the General Laws; provided further, that the victim services position shall be in addition to any such positions approved as of February 1, 1998; provided further, that not more than $75,000 shall be

expended for the purpose of enabling local housing authorities access to criminal offender record information when qualifying applicants for state-assisted housing; provided further, that the board shall, not later than September 30, 2006, adopt regulations to: (a) assure that the distribution of criminal offender record information relates to the individual for whom the request has been made; (b) afford practical assistance in making corrections to a criminal offender record information report to an individual who submits evidence to the board that 1 or more charges in a criminal offender record information report distributed by the board and purportedly relating to that individual, in fact, do not relate to that individual; (c) limit the distribution of criminal offender record information to conviction data and data regarding any pending criminal charge, except as otherwise authorized by law; and (d) require that any entity other than a criminal justice agency that receives a criminal offender record information report from the board as to an individual and, as a result of that report, is inclined to make an adverse decision as to the individual, shall, before making a final decision, afford the individual an opportunity to dispute the accuracy and relevance of the criminal offender record information report; provided further, that not later than January 1, 2007, the board shall file a report with the house and senate committees on ways and means detailing the steps the board has taken to implement the preceding proviso and the success of those steps in improving the accuracy of the criminal offender record information system; and provided further, that not less than $346,417 shall be expended for a CORI training and audit unit $3,522,547

Highway Fund 50.0%

General Fund 50.0%

8000-0180 For the implementation of the Massachusetts instant recording and check system $400,000

8000-0190 For a retained revenue account for the criminal history systems board; provided, that the board may expend not more than $185,000 from fees collected for criminal offender record information requests; provided further, that for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for pay-

ment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $185,000

8000-1122 For the telecommunications and information technology costs of the criminal history systems board; provided, that no funds provided in this item shall be expended in the KK object class $2,132,012

Department of State Police

8100-0000 For the administration and operation of the department of state police; provided further, that the department shall expend funds from this item for the purpose of maximizing federal grants for the operation of a counter-terrorism unit; provided further, that the department shall maintain the division of field services which shall include, but not be limited to, the bureau of metropolitan district operations; provided further, that not fewer than 40 officers may be provided to the department of conservation and recreation for the purpose of patrolling the watershed property of the department of conservation and recreation; provided further, that funds shall be expended from this item for the administration and operation of an automated fingerprint identification system and the motor carrier safety assistance program; provided further, that not fewer than 5 officers shall be provided to the disabled persons protection commission for the purpose of investigating cases of criminal abuse; provided further, that the department shall enter into an interagency agreement with the department of conservation and recreation to provide police coverage on department properties and parkways; provided further, that the creation of a new or the expansion of the existing statewide communications network shall include the office of law enforcement in the executive office of environmental affairs at no cost to, or compensation from, that office; provided further, that not less than $2,710,146 shall be expended for the payroll costs of the state police directed patrols; provided further, that any community that was selected to receive earmarked funds for directed patrols in fiscal year 2006 shall receive 100 per cent of the amount so earmarked in fiscal year 2007; provided further, that not less than $1,050,000 shall be expended to curb gang-related activities; provided further, that any municipality that was eligible to receive earmarked

funds for curbing gang-related activities in fiscal year 2006 shall receive no less than $50,000 in fiscal year 2007; provided further, that not less than $10,000 shall be expended for the state police to provide police detail at the big E fair, including, but not limited to, a mounted unit to participate in the big E fair parade and a display of the state police mobile command center; provided further, that $48,000 shall be expended for a regionalized emergency communication system in the central part of the state; provided further, that $31,500 shall be expended for patrols along state highway route 18 in the city of New Bedford; provided further, that $37,300 shall be expended at the direction of the Bourne barracks for increased traffic detail on Cape Cod and in the town of Plymouth; provided further, that $50,000 shall be expended for patrols in the Myles Standish state park in the town of Plymouth; provided further, that there shall be a study of the number of traffic citations written by state police officers in each measured mile of Massachusetts highways, including those operated by the Massachusetts Turnpike Authority; and provided further, that the department may expend funds from this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the office of the chief medical examiner, the municipal police training committee and the criminal history systems board $220,931,717

Highway Fund 88.20%

General Fund 11.80%

8100-0006 For private police details; provided, that the department may expend up to $15,500,000 in revenues collected from fees charged for private police details and for the costs of administering such details; and provided further, that notwithstanding any general or special law to the contrary, the department may incur, and the comptroller may certify for payment, expenses and liabilities during fiscal year 2007 to be charged to this item in an amount not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system for the purposes stated in this item to accommodate the delayed receipt of revenues authorized to be retained in this item during fiscal year 2007 ..... $15,500,000

8100-0007 For the overtime of state police officers including the operation

of the drug enforcement task force; provided, that the department shall furnish, on a quarterly and annual basis, a report to the house and senate committees on ways and means outlining by category, division and cost in which overtime hours were worked; and provided further, that the report shall also include a calculation reviewing the reduced number of overtime hours worked and savings to the department resulting from the addition of the 77th, 78th, and 79th state police classes $13,010,782

Highway Fund 88.20%

General Fund 11.80%

8100-0011 The department may expend an amount not to exceed $3,600,000 for certain police activities provided pursuant to agreements authorized in this item; provided, that for fiscal year 2007, the superintendent of the state police may enter into service agreements with the commanding officer or other person in charge of a military reservation of the United States located in the Massachusetts Development Finance Agency, established in chapter 23G of the General Laws; provided further, that such agreements shall establish the responsibilities pertaining to the operation and maintenance of police services including, but not limited to: (1) provisions governing payment to the department for the cost of regular salaries, overtime, retirement and other employee benefits; and (2) provisions governing payment to the department for the cost of furnishings and equipment necessary to provide such police services; provided further, that the department may charge any recipients of police services for the cost of such services, as authorized by this item; provided further, that the department may retain the revenue so received and expend such revenue as necessary pursuant to this item to provide the agreed level of services; provided further, that the superintendent may enter into service agreements as may be necessary to enhance the protection of persons, as well as assets and infrastructure located within the commonwealth, from possible external threat or activity, provided that such agreements shall establish the responsibilities pertaining to the operation and maintenance of police services including, but not limited to: (1) provisions governing payment to the department for the cost of regular salaries, overtime, retire-

ment and other employee benefits; and (2) provisions governing payment to the department for the cost of equipment necessary to provide such police services; provided further, that the department may charge any recipients of police services for the cost of such services, as authorized by this item; provided further, that the department may retain the revenue so received and expend such revenue as necessary pursuant to this item to provide the agreed level of services; provided further, that the superintendent may expend from this item costs associated with joint federal and state law enforcement activities from federal reimbursements received therefore; and provided further, that notwithstanding any general or special law to the contrary for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not exceed the lower of this authorization or the most recent revenue estimate $3,600,000

Highway Fund 100.0%

8100-0012 The department of state police may expend for the costs of security services provided by state police officers, including overtime and administrative costs, an amount not to exceed $1,000,000 from fees charged for these services; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system $1,000,000

8100-0020 The department may expend an amount not to exceed $150,000 in fees charged for the use of the statewide telecommunications system for the maintenance of the system $150,000

8100-0101 The department of state police may expend for the Governor's Auto Theft Strike Force an amount not to exceed $368,000 from fees for services performed through the auto etching program and from assessments upon the insurance industry $368,000

Municipal Police Training Committee.

8200-0200 For the operation of veteran, reserve and in-service training pro-

grams conducted by the municipal police training committee; provided, that the committee shall expend not less than $250,000 in accordance with chapter 30B of the General Laws, for training and technical assistance for chiefs of police and administrative or command personnel by: (a) a combination of training manuals, seminars, computer based training and distance learning; (b) research, drafting and mailing of monthly articles and presentations on legal and administration topics; (c) training presentations during and following monthly meetings of policy chiefs; (d) e-mail, toll-free consultation to chiefs on administrative issues and follow-up on seminar topics; (e) a state-wide 3 day training conference on management, legal and leadership issues; provided further, that under no circumstances shall any expenditures authorized by this item be charged to item 8200-0222; provided further, that not less than $25,000 shall be provided for the purposes of additional rental and utility payments to the town of Boylston; and provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated in this item $3,339,036

8200-0222 The committee may collect and expend an amount not to exceed $1,363,500 for the purposes of providing training to new recruits; provided, that the committee shall charge $2,500 per recruit for the training; provided further, that notwithstanding any general or special law to the contrary, the committee shall charge a fee of $2,500 per person for training programs operated by the committee for all persons who begin training on or after July 1, 2006; provided further, that the fee shall be retained and expended by the committee; provided further, that the trainee, or, if the trainee is a recruit, the municipality in which the recruit shall serve, shall provide the fee in full to the committee no later than the first day of orientation for the program in which such trainee or recruit has enrolled; provided further, that no recruit or person shall begin training unless the municipality or the person has provided the fee in full to the committee; provided further, that for recruits of municipalities, upon the completion of the program, the municipality shall deduct the fee from the recruit's wages in 23

equal monthly installments, unless otherwise negotiated between the recruit and the municipality in which the recruit shall serve; provided further, that if a recruit withdraws from the training program before graduation, the committee shall refund the municipality in which the recruit was to have served a portion of the fee according to the following schedule: if a recruit withdraws from the program before the start of week 2, 75 per cent of the payment shall be refunded; if a recruit withdraws from the program after the start of week 2 but before the start of week 3, 50 per cent of the fee shall be refunded; if a recruit withdraws from the program after the start of week 3 but before the start of week 4, 25 per cent of the fee shall be refunded; if a recruit withdraws after the start of week 4, the fee shall not be refunded; provided further, that a recruit who withdraws from the program shall pay the municipality in which he was to have served the difference between the fee and the amount forfeited by the municipality according to the schedule; provided further, that the schedule shall also apply to trainees other than recruits who enroll in the program; provided further, that no expenditures shall be charged to this item that are not directly related to new recruit training; provided further, that no expenditures shall be charged to this item that are related to chief, veteran, in-service, or reserve training, or any training not directly related to new recruits; provided further, that the committee shall submit a report on the status of recruit training, including the number of classes, start and end dates of each class, total number of recruits enrolled and graduating in each class, cost per recruit and cost per class for fiscal years 2006 and 2007; provided further, that the report shall be submitted to the house and senate committees on ways and means no later than January 1, 2007; and provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the committee may incur expenses and the comptroller may certify for payments not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . $1,363,500

Department of Public Safety.

8311-1000 For the administration of the department of public safety, including the board of building regulations and standards and

the architectural access board; provided, that the department may charge fees for permitting the operation of amusement devices and to support the department's participation in the National Council for Amusement and Recreational Equipment Safety; provided further, that the department may charge fees for amusement operator certification; and provided further, that the salaries of the commissioner and the deputy commissioner of the department of public safety shall be paid from this item $1,140,592

8315-1000 For the administrative costs of the division of inspections; provided, that the expenses of the state boxing commission shall be paid from this item; provided further, that a doctor's certificate from another state shall be accepted as evidence of an eye examination; provided further, that no funds shall be expended from this item for the salaries of the commissioner or deputy commissioner of public safety; provided further, that the department shall employ not less than 42 full-time equivalent elevator inspectors, including an additional engineer inspector; provided further, that such additional engineer inspector's duties shall include, but not be limited to, administering pipefitter license examinations; provided further, that such an additional engineer inspector and elevator inspectors shall be regular state employees compensated from the AA object class of this item; provided further, that such additional engineer inspector position shall be in addition to any such positions added during fiscal year 1995; provided further, that the division shall develop reasonable rules or promulgate regulations for the granting of hardship fee exemptions to certain owners or persons in control of a building or domicile in which an elevator is operated; provided further, that the division shall report to the house and senate committees on ways and means on the elevator inspection backlog not later than October 1, 2006; provided further, that the division shall develop and maintain an electronic database that shall include, but not be limited to, the location and a categorical classification of buildings in which inspections are conducted; and provided further, that the division shall inspect all elevators in the state house and the McCormack office building $5,123,696

8315-1020 The department of public safety may expend not more than $1,700,000 in revenues collected from fees for annual eleva-

tor and amusement park ride inspections; provided, that funds shall be expended for the operation of the department and for the purposes of addressing the existing elevator inspection backlog; provided further, that the department shall make efforts to employ inspectors that will perform overnight and weekend inspections as their regular work shift; provided further, that the department shall provide a full waiver of the inspection fee for an individual who requires a wheelchair lift as a medical necessity and whose annual income does not exceed the maximum allowable federal SSI benefit, or $7,236 a year, whichever is greater; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most-recent revenue estimate as reported in the state accounting system $1,700,000

8315-1025 The department of public safety may collect and expend an amount not to exceed $80,000 for the purposes of providing state building code training and courses for instruction; provided, that the agency may charge fees for the classes and education materials associated with administering training; and provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $80,000

Department of Fire Services.

8324-0000 For the administration of the department of fire services, including the state fire marshal's office, the hazardous materials emergency response program and the Massachusetts firefighting academy, including the Massachusetts fire training council certification program, municipal and non-municipal fire training, and expenses of the council; provided, that the fire training program shall use the split days option; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the administration of the department of fire services, the

state fire marshal's office and the Massachusetts firefighting academy shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of such assessment from the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the operation of the hazardous materials emergency response program shall be assessed upon insurance companies writing commercial multiple peril, non-liability portion, policies on property situated in the commonwealth and commercial auto liability policies as referenced in line 5.1 and line 19.4, respectively, in the most recent annual statement on file with the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, funds scheduled in the PP object class, pursuant to section 27 of chapter 29 of the General Laws for this item in fiscal year 2007 shall not be transferred to any other object class in said fiscal year; provided further, that not more than 10 per cent of the amount designated for the arson prevention program shall be expended for the administrative cost of the program; provided further, that the expenses of the board of fire prevention regulations, under section 4 of chapter 22D of the General Laws, shall be paid from this item; provided further, that the expenses of the fire safety commission shall be paid from this item; provided further, that $25,000 shall be expended for the costs of operating the fire starters program by the Plymouth county juvenile court; provided further, that $28,812 shall be expended for the costs of operating the Hampshire/Franklin juvenile fire setters intervention program; provided further, that $100,000 shall be expended to Norfolk County for the purposes of the establishment of the Norfolk County dispatch center; and provided further, that not less than $100,000 be expended for the administration of a statewide program to provide for critical incident stress intervention for the fire departments of the cities, towns, and fire districts of the commonwealth including, but not limited to, consultant services, training, equipment, and supplies $10,927,047

8324-0304 The department of fire services is hereby authorized to expend for the purposes of enforcement and training an amount not to

exceed $300,000 from revenue generated under chapter 148A of the General Laws and sections 8 and 9 of chapter 304 of the acts of 2004 ..... $300,000

8324-1101 For the costs of the department for the enforcement of underground storage tank compliance standards set forth in sections 38B to 38I, inclusive, of chapter 148 of the General Laws and the rules and regulations adopted under those sections $106,240

Registry of Motor Vehicles

8400-0001 For the administration and operation of the registry of motor vehicles, including the title division and including all rent and related parking and utility expenses of the registry; provided, that the positions of administrative assistant to the registrar, legislative assistant, executive assistant to the registrar and the director of employee relations shall not be subject to civil service laws and rules; provided further, that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the information technology division and under schedules by the division; provided further, that 40 per cent of the costs of personnel services associated with the registry computer, which reflects the proportionate use of the computer by the merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business within the commonwealth, under section 183 of chapter 6 of the General Laws; provided further, that the registry shall operate a full-service branch in the town of Southbridge; provided further, that the registry shall operate an office in the city of Fall River; provided further, that not less than $218,000 shall be expended to operate a license express office in the city of Lynn; provided further, that the registry shall operate a full service office in the town of Milford to be operated 5 days a week; provided further, the registry shall operate a license express office in the town of Walpole; provided further, that the registry shall operate a license express office in the town of Falmouth; provided further, that the registry may operate a full-service office in the city of Lowell; provided further, that the registry may operate a license express office in the Grove Hall neighborhood in the city of Boston; provided further, that the registry shall operate an office in the city of Taunton and the town of Plymouth which

shall handle license business, learner's permits, road testing and full service registration business to the general public; provided further, that the registry shall establish and maintain a record of all vehicles leased within the commonwealth for a period longer than 30 days; provided further, that the record shall include, but not be limited to, the names and addresses of the lessor and the lessee; provided further, that the registry shall take all steps necessary to improve customer service within existing resources; and provided further, that the registry may operate within the Springfield branch a one-stop international registration plan office for truck registrations to serve the counties of Hampden, Hampshire, Franklin and Berkshire $41,951,142

Highway Fund 100.0%

8400-0016 For the operation of the motorcycle safety program $250,853

8400-0024 Notwithstanding section 2 of chapter 280 of the General Laws, the registry of motor vehicles may expend not more than $3,000,000 of revenue collected under chapter 90C of the General Laws from assessments for civil motor vehicle infractions; provided, that the amount of this expenditure shall be subtracted from the amount that otherwise would be credited to the Highway Fund pursuant to said section 2 of said chapter 280 and shall not affect nor alter the amounts of payments made to cities and towns under said section 2 of said chapter 280; provided further, that the registry of motor vehicles shall work with the office of the state comptroller to participate in the state's intercept program; and provided further, that no costs payable in the AA object class shall be charged to this item $3,000,000

8400-0033 The registry of motor vehicles may expend revenues collected up to a maximum of $3,500,000 from the fees charged for driver record access, operating under the influence reinstatement and registration reinstatement; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the registry may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the information technology division and

pursuant to schedules prepared by the division; provided further, that 40 per cent of the costs of personnel services associated with the registry computer, which reflects the proportionate use of said computer by the merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business within the commonwealth, pursuant to section 183 of chapter 6 of the General Laws; and provided further, that no costs payable in the AA object class shall be charged to this item $3,500,000

8400-0222 The registry of motor vehicles may expend not more than $3,500,000 from revenues collected from registry renewal fees for the purpose of maintaining registry services $3,500,000

8400-0100 For the operation of the safe driver insurance plan authorized pursuant to section 113B of chapter 175 of the General Laws, including the rent, related parking and utility expenses of the merit rating board; provided, that notwithstanding the provisions of any general or special law to the contrary, no safe driver insurance plan shall require the payment of an unsafe driver point surcharge for the first offense for non-criminal, motor vehicle traffic violations as described in chapter 90C of the General Laws $8,964,336

Highway Fund 100.0%

Military Division.

8700-0001 For the operation of the military division, including the offices of the adjutant general and state quartermaster, the operation of the armories, the camp Curtis Guild rifle range and certain national guard aviation facilities; provided, that notwithstanding chapter 30 of the General Laws, certain military personnel in the military division may be paid salaries according to military pay grades; and provided further, that the adjutant general shall maintain a roster of Massachusetts veterans as directed by section 15 of chapter 33 of the General Laws $6,186,607

8700-1140 The state quartermaster may expend an amount not to exceed $400,000 from revenues collected for the purposes described in this item; provided, that the state quartermaster may expend from fees collected for the non-military rental or use of armories for the costs of utilities and maintenance; and provided further, that the state quartermaster may expend an

amount not to exceed $250,000 for salaries, subsistence, quarters, and associated costs for national guard soldiers ordered to perform state missions under chapter 33 of the General Laws, from revenues resulting from the acceptance of funds from any person, governmental entity or non-governmental entity to defray such expenses $400,000

Massachusetts Emergency Management Agency.

8800-0001 For the operations of the Massachusetts emergency management agency; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities; provided further, that $250,000 shall be expended for the town of Bourne as a result of the damage done to the Monument Beach Marina on December 9, 2005; provided further, that not less than $25,000 shall be expended for the city of Taunton as a result of costs incurred as a result of the October 2005 floods; and provided further, that funds may be expended to purchase and install a regional emergency power generator to be placed in the public shelter of Wayland Middle School in the town of Wayland; provided further that $431,994 shall be expended for the creation of an evacuation and disaster recovery plan within each city and town to be coordinated on a regional level; and provided further, that $75,400 of the $431,994 shall be expended for an emergency preparedness planner to work through the Massachusetts Emergency Management Agency's region 2 ..... $1,704,591

8800-0100 For the nuclear safety preparedness program of the Massachusetts emergency management agency; provided, that the costs of the program, including fringe benefits and indirect costs, shall be assessed upon Nuclear Regulatory Commission licensees operating nuclear power generating facilities in the commonwealth; provided further, that the department of telecommunications and energy shall develop an equitable method of apportioning such assessments among such licensees; and provided further, that such assessments shall be paid during the current fiscal year as provided by the department $396,393

8800-0200 For the Seabrook nuclear safety preparedness and radiological emergency response plan evaluations program; provided, that the cost of the program, including associated fringe benefits and indirect costs, shall be assessed on electric companies in

the commonwealth which own, in whole or in part, or purchase power from, nuclear power plants located outside the commonwealth whose nuclear power plant areas, as defined in section 2B of chapter 639 of the acts of 1950, include communities located within the commonwealth and shall be credited to the General Fund; provided further, that the department of telecommunications and energy shall develop an equitable method of apportioning such assessments among the licensees; provided further, that such assessments shall be paid during the current fiscal year as provided by the department; provided further, that for the purposes of this item, "electric companies" shall mean all persons, firms, associations and private corporations which own or operate works or a distributing plant for the manufacture and sale or distribution and sale of electricity within the commonwealth; and provided further, that the term "electric company" shall not include municipalities or municipal light plants $279,525

8800-0300 For environmental monitoring of the nuclear power plant in Seabrook, New Hampshire including a continuous real-time radiological monitoring system for Massachusetts cities and towns located within the emergency planning zone of the nuclear power plant; provided, that the cost of this item, including any applicable fringe benefits and indirect costs, shall be assessed on electric companies in Massachusetts which own, in whole or in part, or purchase power from the Seabrook nuclear power plant; provided further, that the department of telecommunications and energy shall develop an equitable method of apportioning such assessments among the licensees; provided further, that such assessments shall be paid during the current fiscal year as provided by the department; provided further, that for the purposes of said item, electric companies shall be defined as all persons, firms, associations and private corporations which own or operate works or distribute electricity in the commonwealth; provided further, that the term "electric companies" shall not include municipalities or municipal light plants; provided further, that the department shall report to the house and senate committees on ways and means not later than March 1, 2007 the results of the monitoring project between the department and the citizens monitoring group, including but not limited to, the reasons for increases and decreases in radiation levels;

and provided further that not less than $75,000 shall be expended for the phase two of the C-10 monitoring project in Newburyport $165,356

Department of Correction.

8900-0001 For the operation of the commonwealth's department of correction; provided, that the department shall expend not less than $1,010,500 to cities and towns hosting facilities; provided further, that one-half of the number of inmates incarcerated at Souza Baranowski correctional center shall be deemed to be incarcerated within a correctional facility in the town of Shirley and one-half shall be deemed to be incarcerated within a correctional facility in the town of Lancaster; provided further, that before closing any correctional facility, the commissioner of corrections and the secretary of public safety shall report to the house and senate committees on ways and means and public safety on the per-inmate cost of incarceration in the closing facility, and the per-inmate cost in the facilities to which inmates will be moved; provided further, the commissioner of corrections and the secretary of public safety shall report to the house and senate committees on ways and means and public safety before January 1 of each year the point score compiled by the department of correction's objective classification system for all prisoners confined in each prison operated by the department; provided further, that not less than $192,000 shall be expended for the community that hosts the Bay State Correctional Center; provided further, that not less than $200,000 shall be provided for the Aid to Incarcerated Mothers organization; provided further, that not less than $80,000 shall be provided for the Dismas House in the city of Worcester; provided further, that the department shall expend not less than $750,000 to the municipality hosting the facility at Cedar Junction; provided further, that the department shall expend not less than $297,277 to the municipality hosting the MCI-Concord and Northeastern Correctional Center facilities in Concord; provided further, that the department may expend funds appropriated in this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the military division, the parole board and the sex offender registry board; and provided fur-

ther, that not less than $100,000 shall be expended on Black Men of Greater Springfield, Inc., in the city of Springfield .. $452,347,512

8900-0010 For prison industries and farm services $2,789,069

8900-0011 For a prison industries and farm services revenue retention account; provided, that the department may expend an amount not to exceed $2,600,000 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system $2,600,000

8900-0045 The department of correction may expend for the operation of the department, including personnel-related expenses, an amount not to exceed $3,000,000 from revenues received from federal inmate reimbursements; provided, that $900,000 from these reimbursements shall not be available for expenditure and shall be deposited in the General Fund before the retention by the department of any of these reimbursements; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system ... $3,000,000

8900-1100 For re-entry programs at the department of corrections intended to reduce recidivism rates; provided, that said programs shall be in addition to those provided in fiscal year 2006; and provided further, that not less than $200,000 shall be expended for the operation of SPAN, Inc. $1,000,000

County Corrections

8910-0000 For a reserve to fund county correctional programs; provided, that funds appropriated in this item shall be distributed among the sheriffs departments of Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth and Suffolk counties by the county government finance review board upon prior notification to the house and senate committees on ways and means; provided further, that funds appropriated in this item

shall be in addition to and contingent on item 1599-7092; provided further, that funds made available to Plymouth county may be expended for operating and debt service costs associated with state inmates housed in the Plymouth county facility, pursuant to clauses 3 and 4 of the Memorandum of Agreement signed May 14, 1992; provided further, that funds distributed from this item shall be paid to the treasurer of each county who shall place the funds in a separate account within the treasury of each such county; provided further, that the treasurer shall authorize temporary transfers into this account for operation and maintenance of jails and houses of correction in advance of receipt of the amount distributed by the commonwealth under this item; provided further, that upon receipt of the state distribution, the treasurer may transfer out of such account an amount equal to the funds so advanced; provided further, that all funds deposited in such accounts and any interest accruing thereto shall be used solely for the functions of the sheriffs' departments of the various counties including, but not limited to, maintenance and operation of jails and houses of correction, without further appropriation; provided further, that the sheriff's department of each county shall reimburse the county treasurer of each county for personnel-related expenses, with the exception of salaries, attributable to the operations of the sheriff's department of each county heretofore paid by the county including, but not limited to, the cost of employee benefits; provided further, that the spending plans required by this item shall be developed by the county government finance review board, in consultation with the Massachusetts Sheriffs' Association; provided further, that in accordance with section 247 of chapter 38 of the acts of 1995, all spending plans shall be detailed by object class and object code in accordance with the expenditure classification requirements promulgated by the comptroller; provided further, that such spending plans shall be accompanied by a delineation of all personnel employed by each county correctional facility including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that such spending plans shall be accompanied by a delineation of all vehicles leased, owned or operated by each county sheriff; provided further,

that no sheriff shall purchase any new vehicles or major equipment in fiscal year 2007 unless such purchase is made pursuant to a multicounty or regionalized collaborative procurement arrangement or unless such purchase is directly related to significant population increase or is otherwise necessary to address an immediate and unanticipated public safety crisis and is approved by the county government finance review board and the executive office of public safety; provided further, that notwithstanding the other provisions in this item, sheriffs may purchase "marked" prisoner transportation vans, upon notification to the county government finance review board; provided further, that notwithstanding any special law to the contrary, no county treasurer shall retain revenues derived by the sheriffs from commissions on telephone service provided to inmates or detainees; provided further, that the revenues shall be retained by the sheriffs not subject to further appropriation for use in a canteen fund; provided further, that the county government finance review board and the executive office of public safety shall identify and develop county correction expenditures which shall be reduced through shared contracts, regionalized services, bulk purchasing and other centralized procurement savings programs; provided further, that the daily count sheet for county facilities, compiled by the executive office of public safety, shall be filed with the Massachusetts Sheriffs' Association not less than monthly; provided further, that all revenues including, but not limited to, revenue received from housing federal prisoners, United States Marshals, canteen revenues, inmate industries and work-crew revenues shall be tracked and reported quarterly to the house and senate committees on ways and means and the Massachusetts Sheriffs' Association; provided further, that on or before August 15, 2006, each county sheriff shall submit a final spending plan for fiscal year 2007 to the county government finance review board and the house and senate committees on ways and means detailing the level of resources deemed necessary for the operation of each county correctional facility and the expenditures which shall be reduced to remain within the appropriation; provided further, that failure by a county sheriff to comply with any provision of this item shall result

in a reduction of subsequent quarterly payments to amounts consistent with a rate of expenditure of 95 per cent of the rate of expenditure for fiscal year 2006, as determined by the county government finance review board; provided further, that each sheriff shall submit to the executive office of public safety and the house and senate committees on ways and means copies of such spending plans not later than August 15, 2006; provided further, that on or before September 15, 2006, the county government finance review board shall have approved final fiscal year 2007 county correction budgets; provided further, that the county government finance review board shall provide the executive office of public safety and the house and senate committees on ways and means with copies of such approved budgets not later than October 15, 2006; provided further, that such budgets shall include distribution schedules for the final two quarters of fiscal year 2007 and such plans shall be used to make all subsequent quarterly distributions; provided further, that services shall be provided to the extent determined to be possible within the amount appropriated in this item and each sheriff shall make all necessary adjustments to ensure that expenditures do not exceed the appropriation; provided further, that each county shall expend during fiscal year 2007, for the operation of county jails and houses of correction and other statutorily authorized facilities and functions of the office of the sheriff, in addition to the amount distributed from this item, not less than 102.5 per cent of the amount expended in fiscal year 2006 for such purposes from own-source revenues, which shall not be less than 5 per cent of total county revenues including, but not limited to, amounts levied pursuant to sections 30 and 31 of chapter 35 of the General Laws and amounts provided pursuant to sections 11 to 13, inclusive, of chapter 64D of the General Laws; provided further, that in fiscal year 2007, those counties which have not met maintenance of effort obligations in prior fiscal years shall expend not less than the minimum contribution, as defined above from own-source revenues; provided further, that notwithstanding the provisions stated in this item, the maintenance of effort obligations for Suffolk county shall be 4 per cent of the total fiscal year 2007 Suffolk county correction operating budget as approved by the county government

finance review board; provided further, that notwithstanding any general or special law to the contrary, the deputy commissioner of local services shall certify on or before May 15, 2007 that all municipalities have appropriated and transferred to their respective county treasuries, not less than 102.5 per cent of the municipality's prior year obligations or minimum contributions as defined above, whichever is greater, for county corrections; provided further, that if a municipality fails to transfer such obligation, the deputy commissioner shall withhold an amount equal to the shortfall in the obligation due to the county from such municipality's fourth quarter local aid "cherry sheet" distribution, authorized from item 0611-5500 of section 2 and from funds made available from the State Lottery Fund distribution in section 3; provided further, that on or before August 1, 2006, the deputy commissioner shall report all such withholdings to the house and senate committees on ways and means; provided further, that in fiscal year 2007, notwithstanding section 20A of chapter 59 of the General Laws, any county except Suffolk and Nantucket may increase its county tax for the fiscal year by an additional amount if the total amount of such additional county tax is approved by two-thirds of the cities and towns in the county, in towns by a majority vote of the town meeting or town council, and in cities by a majority vote of the city council or board of aldermen, with the approval of the mayor or manager; and provided further, that each sheriff funded from this item shall report on a monthly basis to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than September 30, 2006 ..... $144,482,327

8910-0002 For the administration of a sex offender warrant unit program in the Barnstable county sheriff's office; provided, that the unit shall support the regional Cape Cod sex offender management task force, provide address verification and maintain a regional sex offender database for local law enforcement $155,040

8910-0003 For 2 regional behavioral evaluation and stabilization units to provide forensic mental health services within existing physical facilities for incarcerated persons in the care of correctional facilities in the commonwealth; provided further, that not less than $60,000 shall be provided to the Barnstable

County Sheriff's office for its offender transition program; provided, that 1 unit shall be located in Hampden county to serve the needs of incarcerated persons in the care of Berkshire, Franklin, Hampden, Hampshire, and Worcester counties; provided further, that 1 unit shall be located in Middlesex County to serve the needs of incarcerated persons in the care of Barnstable, Bristol, Dukes, Essex, Nantucket, Middlesex, Norfolk, Plymouth, and Suffolk counties; provided further, that the services of the units shall be made available to incarcerated persons in the care of the department of correction; provided further, that the Massachusetts sheriffs' association, in conjunction with the department of correction, shall prepare a report that shall include, but not be limited to (a) the number of incarcerated persons in facilities located in counties that were provided services in each unit, (b) the number of incarcerated persons in department of correction facilities that were provided services in each unit, (c) the alleviation in caseload at Bridgewater state hospital associated with fewer incarcerated persons in the care of counties being attended to at the hospital, and (d) the estimated and projected cost-savings in fiscal year 2007 to the sheriff departments and the department of correction associated with the regional units; provided further, that the report shall be submitted to the house and senate committees on ways and means no later than March 15, 2007; and provided further, that the department of mental health shall maintain monitoring and quality review functions of the units $2,660,000

8910-0010 For the purpose of funding expenses for services provided to inmates of county correctional facilities by the department of public health Lemuel Shattuck hospital in fiscal year 2007; provided, that the department shall notify the county government finance review board and the comptroller of all such expenses; provided further, that not more than 30 days after receiving such notification, the board shall certify to the comptroller the amount of these expenses to be charged to this item; provided further, that upon receiving this certification, the comptroller shall effect the transfer of such amount from this item to item 4590-0903 in section 2B; and provided further, that these actual and projected payments shall be considered expenditures within each county spending

plan and shall be reflected as such in proposed spending plans required by 8910-0000 in section 2 ..... $2,700,829

Sheriffs

8910-0102 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Hampden county; provided, that not less than $4,679,911 shall be expended for costs related to the opening and operation of a new facility; provided further, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2006; and provided further, that $88,000 shall be expended for a re-entry initiative program within the Hampden Sheriff's Department $66,264,176

8910-0105 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Worcester county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2006 ..... $43,645,877

8910-0107 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Middlesex county; provided, that not less than $7,005,660 shall be expended for costs related to the opening and operation of a new facility; and provided further, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2006 ..... $62,711,438

8910-0108 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Franklin county; provided, that not less than $1,165,254 shall be expended for costs related to the opening and operation of a new facility; and provided further, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2006 ..... $8,264,541

8910-0110 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Hampshire county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2006; and provided further, that $225,000 shall be expended for the lease payments for modular units located at 205 Rock Hill Road in the city of Northampton . . . $12,024,589

8910-0145 For the operation of the jail, house of correction, and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Berkshire county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2006 . . . . . $14,934,974

8910-0160 For a retained revenue account for the Middlesex sheriff's department for reimbursements from the federal government for costs associated with the incarceration of federal inmates at the Billerica house of correction; provided, that the department may expend for the operation of the department an amount not to exceed $850,000 from revenues collected from the incarceration of federal inmates; provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system $850,000

8910-0188 The Franklin sheriff's department may expend for the operation of the department an amount not to exceed $1,300,000 from revenues received from federal inmate reimbursements; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to ex-

ceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system $1,300,000

8910-0445 The Berkshire sheriff's department may expend an amount not to exceed $150,000 from revenues generated from the operation of the Berkshire county communication center's 911 dispatch operations and other law enforcement related activities, including the Berkshire county sheriff prison industries program; provided, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system $150,000

8910-0619 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Essex county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2006 ..... $43,327,484

8910-0888 For a prison industries revenue retention account for the Franklin sheriff's department; provided, that the department may expend any amount not to exceed $100,000 from revenues collected from the sale and production of printed materials manufactured at the sheriff department's print shop; provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system $100,000

8910-1000 For a prison industries revenue retention account for the Hampden sheriff's department; provided, that the department may expend any amount not to exceed $1,198,345 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities, reimbursement for community service projects and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system $1,198,345

8910-1100 For a prison industries revenue retention account for the Middlesex sheriff's department; provided, that the department may expend an amount not to exceed $75,000 from revenues

collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded in the Massachusetts management accounting and reporting system $75,000

8910-1111 The Hampshire sheriff's department may expend for the operation of the department an amount not to exceed $163,000 from revenues received from federal inmate reimbursements; provided, that $150,000 from the reimbursements shall not be available for expenditure and shall be deposited into the General Fund before the retention by the department of any of these reimbursements; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $163,000

8910-2222 The Hampden sheriff's department may expend for the operation of the department an amount not to exceed $320,000 from revenues received from federal inmate and federal overtime reimbursements; provided, that $312,000 from the reimbursements shall not be available for expenditure and shall be deposited into the General Fund before the retention by the department of any of these reimbursements; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate there-fore as reported in the state accounting system $320,000

8910-6619 The Essex sheriff's department may expend for the operation of the department an amount not to exceed $2,000,000 from revenues received from federal inmate reimbursements; provided, that $150,000 from the reimbursements shall not be available for expenditure and shall be deposited quarterly into

the General Fund before the retention by the department of any of these revenues as certified by the comptroller; provided further, that the quarterly payments shall total $600,000 in fiscal year 2007; provided, that said sheriff may expend from this item costs associated with joint federal and state law enforcement activities from federal reimbursements received; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . $2,000,000

8910-7101 For the operation of the Massachusetts sheriffs' association; provided, that the sheriffs shall appoint persons to serve as executive director, assistant executive director and research director and other staff positions as necessary for the purpose of coordination and standardization of services and programs, the collection and analysis of data related to incarceration and recidivism and generation of reports, technical assistance and training to ensure standardization in organization, operations, and procedures; provided further, that this staff shall not be subject to section 45 of chapter 30 or chapter 31 of the General Laws and shall serve at the will and pleasure of a majority of sheriffs; provided further, that the executive director of the association shall submit a report that shows the amounts of all grants awarded to each sheriff in fiscal year 2007; and provided further, that the report shall be submitted to the house and senate committees on ways and means not later than February 1, 2007 ..... $344,300

Parole Board.

8950-0001 For the operation of the parole board $17,582,149

8950-0002 For the victim and witness assistance program of the parole board under chapter 258B of the General Laws $286,710

8950-0008 For the operation of the parole board's sex offender management program and the supervision of high-risk offenders, the parole board may expend an amount not to exceed $600,000 from revenues collected from fees charged for parolee supervision; provided, that the parole board shall file a report with the house and senate committees on ways and means not

later than February 1, 2007, which shall include, but not be limited to, the number of parolees participating in the program and the reincarceration rate of participating parolees $600,000

Department of Elder Affairs.
Office of the Secretary

9110-0100 For the operation of the executive office and regulation of assisted living facilities; provided, that the secretary shall continue to support community care ombudsman services; provided further, that the executive office of elder affairs shall report annually to the house and senate committees on ways and means the number of assisted living units certified and the total revenues generated from application and certification fees for such units; and provided further, that $300,000 shall be expended to operate the Senior Information Management System $2,490,023

9110-1455 For the costs of the drug insurance program authorized by section 39 of chapter 19A of the General Laws; provided, that amounts received by the executive office of elder affairs' vendor as premium revenue for this program may be retained and expended by the vendor for the purposes of the program; provided further, that not less than $600,000 shall be made available for the operation of the pharmacy outreach program established by section 4C of chapter 19A of the General Laws; provided further, that notwithstanding any general or special law to the contrary, unless otherwise prohibited by state or federal law, prescription drug coverage or benefits payable by the executive office of elder affairs, and the entities with which it has contracted for administration of the subsidized catastrophic drug insurance program pursuant to section 39 of said chapter 19A, shall be the payer of last resort for this program for eligible persons with regard to any other third-party prescription coverage or benefits available to such eligible persons; provided further, that the executive office shall notify the house and senate committees on ways and means not less than 90 days in advance of any action to limit or cap the number of enrollees in the program; provided further, that this program is subject to appropriation and expenditures shall not exceed in fiscal year 2007 the amount authorized in this item; provided further, that no action shall

be taken to expand the benefits of the program, extend benefits to additional populations or reduce cost sharing in the program without approval of the general court; provided further, that the department shall file all legislation required to implement such actions for review and analysis by the general court; provided further, that the executive office shall take steps for the coordination of benefits with the Medicare prescription drug benefit created pursuant to the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, to ensure that Massachusetts residents take advantage of said benefit; provided further, that the department shall provide assistance for prescription drug costs to enrollees who qualify for Medicare Part D as well as assistance for premiums, deductibles, payments, and co-payments required by the Part D or Medicare Advantage plans; or by other plans which provide creditable prescription drug coverage as defined by section 104 of said Medicare Modernization Act, and which provide coverage of the cost of prescription drugs actuarially equal to or better than that provided by Medicare Part D; provided further, that the secretary shall not implement cost sharing increases during fiscal year 2007 unless the executive office has given 90 days notice to the general court and has received approval of the proposed plan from a majority of the general court; provided further, that there shall be an open enrollment period, lasting not less than 1 month and not more than 2 months, that begin not later than November 15, 2006; provided, that the open enrollment shall be preceded by at least 30 days of advance public notice and marketing; provided further, that during the open enrollment period, individuals shall be enrolled in the program in the order in which the program receives their completed application; and provided further, that a person shall also be eligible to enroll in the program at any time within a year after reaching age 65 ..... $63,572,979

9110-1500 For the provision of enhanced home care services, including case management to elders who meet the eligibility requirements of the home care program and who need services above the level customarily provided under the program to remain safely at home, including elders previously enrolled in the managed care in housing, enhanced community options, and

chronic care enhanced services programs; provided further, that the secretary shall actively seek to obtain federal financial participation for any and all services provided to seniors who qualify for medicaid benefits pursuant to the section 2176 waiver; provided further, that the executive office shall collect income data on persons receiving services provided in this item; provided further, that the executive office shall submit a report to the house and senate committees on ways and means detailing the population served by this item delineated by both 2006 federal poverty line income levels and 2006 social security income standards; provided further, that the report shall be submitted not later than February 1, 2007; and provided further, that the executive office shall submit a report not later than October 15, 2006 to the house and senate committees on ways and means which shall include the number of individuals on a waiting list for these services on October 1, 2006, compared to the number of individuals on a waiting list on July 1, 2006 ..... $43,331,919

9110-1604 For the operation of the supportive senior housing program at state or federally-assisted housing sites; provided, that the funds shall be expended to fully fund existing sites. Provided further, that notwithstanding any general or special law to the contrary, the land conveyed to Southwood Hospital pursuant to section 3 of chapter 747 of the Acts of 1981, as amended by chapter 383 of the Acts of 1996, shall, in addition to the purposes authorized thereby, be used for housing for persons fifty-five years of age or older, or for commercial purposes, including, but not limited to, retail stores and restaurants $3,737,572

9110-1630 For the operation of the elder home care program, including contracts with aging service access points or other qualified entities for the home care program, home care, health aides, home health and respite services and other services provided to the elderly; provided, that a sliding fee shall be charged to qualified elders; provided further, that the secretary of elder affairs may waive collection of sliding fees in cases of extreme financial hardship; provided further, that not more than $7,500,000 in revenues accrued from sliding fees shall be retained by the individual home care corporations without reallocation by the executive office of elder affairs, and shall be expended for the purposes of the home care program, consis-

tent with guidelines to be issued by the executive office; provided further, that the executive office shall report quarterly to the house and senate committees on ways and means on the receipt and expenditure of revenues accrued from the sliding fees; provided further, that the executive office shall report monthly to the house and senate committees on ways and means and the executive office for administration and finance on the amount expended from this item for purchase of service expenditures by category of service as set forth in 651 C.M.R. 3.01; provided further, that no rate increase shall be awarded in fiscal year 2007 which would cause a reduction in client services or the number of clients served; provided further, that no funds shall be expended from this item to pay for salary increases for direct service workers who provide state-funded homemaker and home health aid services which would cause a reduction in client services; provided further, that not less than $75,000 shall be made available for a pilot program for home health care, to be administered by Community Parish Nursing in the town of Reading; and provided further, that the secretary of elder affairs may transfer an amount not to exceed 3 per cent of the funds appropriated in this item to item 9110-1633 for case management services and the administration of the home care program $102,995,113

9110-1633 For the operation of the elder home care case management program, including contracts with aging service access points, or other qualified entities for home care case management services and the administration of the home care corporations funded through item 9110-1630 and item 9110-1500; provided, that such contracts shall include the costs of administrative personnel, home care case managers, travel, rent and other costs deemed appropriate by the executive office of elder affairs; provided further that no funds appropriated in this item shall be expended for the enhancement of management information systems; and provided further, that the secretary of elder affairs may transfer an amount not to exceed 3 per cent of the funds appropriated herein to item 9110-1630 ..... $39,311,751

9110-1635 For a one-time rate add-on for wages, compensation and/or salary and associated employee-related costs to personnel providing homemaker and personal care homemaker services to elderly

clients under items 9110-1500, 9110-1630, and 4000-0600 ... $1,000,000

9110-1636 For the elder protective services program, including protective services case management, guardianship services, the statewide elder abuse hotline, and the elder-at-risk program; provided, that not less than $800,000 shall be expended for money management services $13,961,546

9110-1640 For the Geriatric Mental Health Services program, including residential care, case management, and day treatment services, to deinstitutionalize or divert elders with serious and persistent mental illness from institutionalized settings $350,000

9110-1650 For the family caregivers program $500,000

9110-1660 For congregate and shared housing services for the elderly; provided further, that not less than $150,000 shall be allocated to the Helping Elders at Risk Through Homes program; provided, that not less than $50,000 shall be expended for the congregate housing services at the Tuttle House Facility in Dorchester; provided further, that not less than $75,000 shall be expended for the multicultural alzheimer's service project of Springfield; provided further, that $375,000 shall be expended for the Aging Well At Home Program operated by Jewish Family & Children's Service of Greater Boston in the town of Brookline and the city of Malden, and by Jewish Family Service of Metrowest in the town of Framingham and the town of Framingham $1,991,283

9110-1700 For residential assessment and placement programs for homeless elders $250,000

9110-1900 For the elder lunch program; provided further, that not less than $40,000 shall be expended for a youth/elder outreach position at the Roche Family Community Center in West Roxbury; provided further, that not less than $50,000 shall be expended for the Senior FarmShare program; and provided further, that not less than $15,000 shall be expended for the Grandparents as Parents Initiative $5,591,850

9110-9002 For the local services program for grants to the councils on aging and for grants to or contracts with non-public entities which are consortia or associations of councils on aging; provided, that notwithstanding the foregoing, all monies appropriated in this item shall be expended in accordance with the distribution schedules for formula and incentive grants established by the secretary; provided that not less than $50,000 shall be provided to the LGBT Aging; and provided

further, that such distribution schedules shall be submitted to the house and senate committees on ways and means $7,550,000

LEGISLATURE.

Senate.

9500-0000 For the operation of the senate $18,592,166

House of Representatives.

9600-0000 For the operation of the house of representatives $33,658,753

Joint Legislative Expenses.

9700-0000 For the joint operations of the legislature $6,980,895

Commission on the Status of Women.

0950-0000 For the commission on the status of women $248,900

SECTION 2B. Notwithstanding any general or special law to the contrary, the agencies listed in this section may expend the amounts listed in this section for the provision of services to agencies listed in section 2. All expenditures made pursuant to this section shall be accompanied by a corresponding transfer of funds from an account listed in section 2 to the Intragovernmental Service Fund, established by section 2Q of chapter 29 of the General Laws. All revenues and other inflows shall be based on rates published by the seller agency that are developed in accordance with cost principles established by the United States Office of Management and Budget Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments." All rates shall be published within 30 days of the enactment of this section. No expenditures shall be made from the Intragovernmental Service Fund which would cause that fund to be in deficit at the close of fiscal year 2007 All authorizations in this section shall be charged to the Intragovernmental Service Fund and shall not be subject to section 5D of chapter 29 of the General Laws. Any balance remaining in that fund at the close of fiscal year 2007 shall be transferred to the General Fund.

OFFICE OF THE SECRETARY OF STATE.

0511-0003 For the costs of providing electronic and other publications purchased from the state bookstore, for commission fees, notary fees and for direct access to the secretary's computer library $16,000

0511-0235 For the costs of obsolete records destruction incurred by the office of the secretary of state; provided, that state agencies, including the judicial branch, may be charged for the destruction of their obsolete records by the records center where appropriate; provided further, that the secretary of state

may expend revenues not to exceed $100,000 of such funds received for the costs of such obsolete record destruction; and provided further, that such fees shall be charged on an equitable basis $100,000

Office Of The State Comptroller.

1000-0005 For the cost of the single state audit for the fiscal year ending June 30, 2007; provided, that the comptroller is hereby authorized to charge other appropriations and federal grants for the cost of said audit $750,000

1000-0008 For the costs of operating and managing the MMARS and New MMARS accounting system for fiscal year 2007 ..... $2,266,000

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Division of Capital Asset Management and Maintenance.

1102-3224 For the costs for the Leverett Saltonstall lease and occupancy payments; provided, that the division of capital asset management and maintenance shall submit to the house and senate committees on ways and means on or before the first of each month beginning July 1, 2006 a monthly report on the agencies that currently, or will during fiscal year 2007 occupy space in the Saltonstall building, their rental costs, utility costs, parking space allocation, floor space, lease dates, all services included in the lease and all services that the agencies are obligated to fund beyond the lease payments; provided further, that the report shall include both estimated payments and prior expenditures $11,217,734

Bureau of State Office Buildings.

1102-3333 For the operation and maintenance of state buildings, including reimbursement for overtime expenses, materials and contract services purchased in performing renovations and related services for agencies occupying state buildings or for services rendered to approved entities using state facilities $165,000

1102-3336 For the operation and maintenance of the space in the Hurley state office building occupied by the division of unemployment assistance $3,318,743

Reserves.

1599-2040 For the payment of prior year deficiencies based upon schedules

provided to the house and senate committees on ways and means; provided, that the comptroller may charge departments' current fiscal year appropriations and transfer to such item amounts equivalent to the amounts to any prior year deficiency, subject to the conditions stated in this item; provided further, that the comptroller shall only assess chargebacks to those current fiscal year appropriations when the account to which the chargeback is applied is the same account to which the prior year deficiency pertains or, if there is no such account, to the current fiscal year appropriation for the general administration of the department that administered the account to which the prior year deficiency pertains; provided further, that no chargeback shall be made which would cause a deficiency in any current fiscal year item; provided further, that the comptroller shall report with such schedule a detailed reason for the prior year deficiency on all chargebacks assessed that exceed $1,000 including the amount of the chargeback, the item and object class charged; and provided further, that the comptroller shall report on a quarterly basis on all chargebacks assessed, including the amount of the chargeback, the item, object class charged and the reason for the prior year deficiency $7,000,000

1599-3100 For the cost of the commonwealth's employer contributions to the Unemployment Compensation Fund and the Medical Security Trust Fund; provided, that the secretary for administration and finance shall authorize the collection, accounting and payment of such contributions; and provided further, that in executing these responsibilities the comptroller may charge in addition to individual appropriation accounts certain non-appropriated funds in amounts that are computed on the same basis as the commonwealth's contributions are determined, including expenses, interest expense or related charges $26,600,000

Division of Human Resources.

1750-0101 For the cost of goods and services rendered in administering training programs, including the cost of training unit staff; provided, that the division shall charge to other items for the cost of participants enrolled in programs sponsored by the division or to state agencies employing such participants; provided further, that the division may collect from participating

state agencies a fee sufficient to cover administrative costs of the commonwealth's performance recognition programs and to expend such fees for goods and services rendered in the administration of these programs; and provided further, that the division may charge and collect from participating state agencies a fee sufficient to cover administrative costs and expend such fees for goods and services rendered in the administration of information technology services related to the human resources compensation management system program $200,000

1750-0105 For the cost of workers' compensation paid to public employees; provided, that the secretary of administration and finance shall charge other items or state agencies for costs incurred on behalf of these state agencies; provided further, that the secretary may transfer workers' compensation-related fringe benefit assessments from federal grants and trust accounts to this item; provided further, that no funds shall be expended from this item that would cause the item to be deficient; provided further, that the secretary shall provide projected costs of workers' compensation costs incurred by agencies in fiscal year 2007 to the house and senate committees on ways and means no later than February 28, 2007; provided further, that in accordance with chapter 177 of the acts of 2001, the secretary of administration and finance shall charge state agencies in fiscal year 2007 as provided in this item for workers' compensation costs, including related administrative expenses incurred on behalf of the employees of the agencies; provided further, that administrative expenses shall be allocated; provided further, that the personnel administrator shall administer the charges on behalf of the secretary, and may establish such rules and procedures as deemed necessary to implement this item; provided further, that the personnel administrator shall: (1) notify agencies regarding the charge-back methodology to be used in fiscal year 2007; (2) notify agencies of the amount of their estimated workers compensation charges for the fiscal year; and (3) require agencies to encumber funds in an amount sufficient to meet the estimated charges; provided further, that the estimated charges for each agency in the fiscal year shall be not less than the amount of the actual workers' compensation costs, including related administrative expenses, incurred by each such agency in fiscal

year 2006, and may include such additional amounts as the human resources division finds necessary under regulations adopted under this item; provided further, that the division may adopt a program of incentives for agencies to reduce agencies' claims; provided further, that for any agency that fails within 30 days of the effective date of this act to encumber funds sufficient to meet the estimated charges, the comptroller shall so encumber funds on behalf of that agency; provided further, that the personnel administrator shall: (1) determine the amount of the actual workers' compensation costs incurred by each agency in the preceding month, including related administrative expenses; (2) notify each agency of the amounts; and (3) charge the amounts to each agency's accounts as estimates of the costs to be incurred in the current month; provided further, that notwithstanding any general or special law to the contrary, any balance remaining in the Intergovernmental Service Fund, at the close of fiscal year 2006 shall be transferred to the General Fund; provided further, that any unspent balance at the close of fiscal year 2006 in an amount not to exceed 5 per cent of the amount authorized shall remain in the Intergovernmental Service Fund and is hereby re-authorized for expenditures for such item in fiscal year 2007; provided further, that the personnel administrator may expend in fiscal year 2007 for hospital, physician, benefit, and other costs related to workers' compensation for employees of state agencies, including administrative expenses; and provided further, that such expenditures may include payments for medical services provided to claimants in prior fiscal years, as well as compensation benefits and associated costs for prior fiscal years $56,401,335

1750-0106 For the workers' compensation litigation unit, including the costs of personnel $614,000

Operational Services Division.

1775-0800 For the purchase, operation and repair of certain vehicles and for the cost of operating and maintaining all vehicles that are leased by other agencies, including the costs of personnel $7,600,000

1775-1000 For printing, photocopying, and related graphic art or design work, including all necessary incidental expenses and liabilities; provided, that the secretary for administration and

finance shall charge to other items of appropriation within the agencies of the executive branch for such services, including the costs of personnel $1,000,000

Information Technology Division.

1790-0200 For the cost of computer resources and services provided by the information technology division in accordance with the policies, procedures and rates approved by the secretary for administration and finance, including the purchase, lease or rental of telecommunications lines, services and equipment, that are centrally billed to the commonwealth; provided, that the secretary shall charge other items of appropriation for the cost of the resources and services; provided further, that notwithstanding any general or special law to the contrary, charges for the cost of computer resources and services provided by the bureau of computer services for the design, development, and production of reports and information related to the analysis, development and production of appropriations bills and other legislation shall not be charged to any item of appropriation of the executive office for administration and finance, the house of representatives, the senate or any joint legislative account in fiscal year 2007; provided further, that the bureau shall submit quarterly reports to the house and senate committees on ways and means summarizing the total charges, payments and services provided for the preceding quarter from each department charged to this item; provided further, that the reports shall include, but not be limited to, a delineation of the rates charged to each department as approved by the secretary for administration and finance for each service performed by the division; and provided further, that the secretary for administration and finance shall establish regulations, procedures and a schedule of fees including, but not limited to, the development and distribution of forms and instructions, including the costs of personnel $49,000,000

1790-0400 For the purchase, delivery, handling of and contracting for supplies, postage and related equipment and other incidental expenses provided pursuant to section 51 of chapter 30 of the General Laws $2,249,333

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

2001-1002 For the costs of data processing and related computer and mapping services, the distribution of digital cartographic and other data, the review of environmental notification forms pursuant to sections 61 to 62H, inclusive, of chapter 30 of the General Laws and for the staff and printing of the Environmental Monitor $350,000

2030-1002 For the costs of overtime and special details provided by the office of environmental law enforcement $160,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Office of the Secretary

4000-0102 For the cost of transportation services for health and human services clients and the operation of the health and human services transportation office $7,200,691

4000-0103 For the costs of core administrative functions performed within the executive office of health and human services; provided, that the secretary of the executive office of health and human services may, notwithstanding any general or special law to the contrary, identify administrative activities and functions common to the separate agencies, departments, offices, divisions, and commissions within the executive office and may designate such functions "core administrative functions" in order to improve administrative efficiency and preserve fiscal resources; provided further, that common functions that may be designated core administrative functions include, human resources, financial management, information technology, legal and facilities; provided further, that all employees performing functions so designated may be employed by the executive office, and the executive office shall charge the agencies, departments, offices, divisions, and commissions for such services; provided further, that upon the designation of a function as a core administrative function, the employees of each agency, department, office, or commission who perform such core administrative functions may be transferred to the executive office of health and human services; provided further, that the reorganization shall not impair the civil service status of any such transferred employee who immediately before the effective date of this act either holds

a permanent appointment in a position classified under chapter 31 of the General Laws or has tenure in a position by reason of section 9A of chapter 30 of the General Laws; and provided further, that nothing in this item shall impair or change an employee's status, rights, or benefits under chapter 150E of the General Laws $26,229,648

Massachusetts Commission for the Deaf and Hard of Hearing.

4125-0122 For the costs of interpreter services provided by commission staff; provided, that the costs of personnel may be charged to this item; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $200,000

Department of Public Health.

4590-0901 For the costs of medical services provided at public health hospitals pursuant to a schedule of services and fees approved by the commissioner of public health, which may be expended for the purposes of hospital related costs, including, but not limited to, capital repair and the maintenance and motor vehicle replacement; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system $150,000

4590-0903 For the costs of medical services provided at the department of public health Lemuel Shattuck hospital to inmates of the county correctional facilities; provided, that the costs shall be charged to items 8910-0000, 8910-0010, 8910-0102, 8910-0105, 8910-0107, 8910-0108, 8910-0110, 8910-0145 and 8910-0619 of section 2 pursuant to the provisions thereof; provided further, that expenditures from this item shall be for hospital-related costs including, but not limited to, capital repair and the maintenance and motor vehicle replacement; and

provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system $3,800,000

Department of Mental Retardation.

5948-0012 For a program providing alternatives to residential placements for children with mental retardation, including the costs of intensive home-based supports, provided in item 7061-0012 of section 2 ..... $8,000,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6030-7501 For the cost of the purchase of bulk fuel for certain vehicles under the authority of the operational services division and the cost of purchased fuel for other agencies and for certain administrative expenses related to purchasing and distributing the fuel $1,000,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

State Police.

8100-0002 For the costs of overtime associated with requested police details; provided, that for the purpose of accommodating discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system $6,481,127

8100-0003 For the costs associated with the use of the statewide telecommunications system for the maintenance of the system $156,375

Military Division.

8700-1145 For the costs of utilities and maintenance and for the implementation of energy conservation measures with regard to the state armories $500,000

Department of Correction.

8900-0021 For the cost of products produced by the prison industries and farm program and for the cost of services provided by inmates, including the costs of moving, auto repair, culinary and renovation and construction services; provided, that the costs for renovation and construction services shall not exceed the amount established by the operational services division; and provided further, that such revenues may also be expended for materials, supplies, equipment, maintenance of facilities and compensation of employees and for the inmate employment and training program $6,050,000

SECTION 2D. The amounts set forth in this section are hereby appropriated from the General Federal Grants Fund. Federal funds received in excess of the amount appropriated in this section shall be expended only in accordance with section 6B of chapter 29 of the General Laws. The amount of any unexpended balance of federal grant funds received prior to June 30, 2006, and not included as part of an appropriation item in this section, is hereby made available for expenditure during fiscal year 2007, in addition to any amount appropriated in this section.

JUDICIARY.

Supreme Judicial Court

0320-1700 For the purposes of a federally funded grant entitled, State Court Improvement Program $261,450

Trial Court.

0330-0335 For the purposes of a federally funded grant entitled, Statewide Automated Drug Court $125,818

0332-6110 For the purposes of a federally funded grant entitled, Suffolk County Drug Courts Enhancement at the Brighton Division of the Boston Municipal Court Department $73,457

0332-6415 For the purposes of a federally funded grant entitled, Dorchester Domestic Violence Grant $259,338

0335-0301 For the purposes of a federally funded grant entitled, Judicial Oversight Demonstration Project $180,159

0337-0305 For the purposes of a federally funded grant entitled, Hampden Juvenile Drug Court $122,774

DISTRICT ATTORNEYS.

Northern District Attorney.

0340-0213 For the purposes of a federally funded grant entitled, Federal Forfeiture trust Account $16,000

0340-0216 For the purposes of a federally funded grant entitled, Conference Fee Trust Account $15,000

0340-0237 For the purposes of a federally funded grant entitled, Children's Advocacy Center National Network $12,250

Western District Attorney.

0340-0513 For the purposes of a federally funded grant entitled, Post Conviction Advocate Grant $45,646

0340-0528 For the purposes of a federally funded grant entitled, the Byrne grant $65,000

NORTHWESTERN DISTRICT ATTORNEY.

0340-0665 For the purposes of a federally funded grant entitled, Persons with Disabilities & Elders Unit $77,022

Plymouth District Attorney.

0340-0806 For the purposes of a federally funded grant entitled, Weed and Seed Campello $125,000

0340-0807 For the purposes of a federally funded grant entitled, Brockton 's Promise – Drug Free Communities Coalition grant $50,000

Bristol District Attorney.

0340-0916 For the purposes of a federally funded grant entitled, Federal Forfeiture trust Account $35,000

0340-0923 For the purposes of a federally funded grant entitled, Community Involvement Project $148,284

Cape and Islands District Attorney.

0340-1013 For the purposes of a federally funded grant entitled, Federal Forfeiture trust Account $60,000

TREASURER AND RECEIVER GENERAL.

Massachusetts Cultural Council.

0640-9716 For the purposes of a federally funded grant entitled, Folk and Traditional Arts Initiative $20,000

0640-9717 For the purposes of a federally funded grant entitled, Basic State Plan $368,000

0640-9718 For the purposes of a federally funded grant entitled, Arts Education $62,200

0640-9724 For the purposes of a federally funded grant entitled, Arts in Underserved Communities $106,400

0640-9729 For the purposes of a federally funded grant entitled, Challenge America $171,300

ATTORNEY GENERAL.

0810-0026 For the purposes of a federally funded grant entitled, Crime Victim Compensation $3,000,000

0810-6658 For the purposes of a federally funded grant entitled, Weed and Seed $2,250,000

Victim and Witness Assistance Board.

0840-0020 For the purpose of a federally funded grant entitled, the VAWA STOP Grant $300,000

0840-0110 For the purposes of a federally funded grant entitled, Victims of Crime Assistance Programs $7,767,441

0840-0113 For the purposes of a federally funded grant entitled, The Edward Byrne Memorial Grant $195,000

0840-4603 For the purposes of a federally funded grant entitled, Youth Advocacy Project $60,000

0840-4620 For the purposes of a federally funded grant entitled, VAWA Federal Grant $282,480

0840-5000 For the purposes of a federally funded grant entitled, Massachusetts Statewide Victim Assistance Academy $35,000

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Massachusetts Developmental Disabilities Council.

1100-1703 For the purposes of a federally funded grant entitled, Implementation of the Federal Developmental Disabilities Act; provided, that in order to qualify for this grant, this item shall be exempt from the first $280,000 of fringe benefit and indirect cost charges pursuant to section 6B of chapter 29 of the General Laws $1,434,684

Office on Disability.

1107-2450 For the purposes of a federally funded grant entitled, Client Assistance Program $239,839

Department of Revenue.

1201-0104 For the purposes of a federally funded grant entitled, Joint Federal-State Motor Fuel Tax Compliance Project $19,342

1201-0109 For the purposes of a federally funded grant entitled, Access and Visitation - Parent Education Program $222,469

1201-2489 For the purposes of a federally funded grant entitled, Improving Child Support Information from TANF Applicants $50,000

SECRETARY OF STATE.

0521-0800 For the purpose of a federally funded grant entitled, Election Assistance for Disabled Individuals $170,154

0526-0114 For the purposes of a federally funded grant entitled, Historic Preservation Survey and Planning $748,930

0526-0115 For the purposes of a federally funded grant entitled, Massachusetts Historical Commission - Federal Preservation Grants $200,000

0529-1200 For the purposes of a federally funded grant entitled, Historical Records Advisory Board $100,617

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2000-0132 For the purposes of a federally funded grant entitled, Coastal Access $59,186

2000-0141 For the purposes of a federally funded grant entitled, Coastal Zone Management and Development $2,538,513

2000-0177 For the purposes of a federally funded grant entitled, Wetlands Development $23,467

2000-0186 For the purposes of a federally funded grant entitled, Aquatic Nuisance Species Management Plan $112,776

2000-0248 For the purposes of a federally funded grant entitled, National Estuary Program - Operation $456,031

2000-9600 For the purposes of a federally funded grant entitled, Narragansett Bay $18,618

2000-9701 For the purposes of a federally funded grant entitled, Outdoor Recreation Projects - Political Subdivisions $3,200,000

2000-9735 For the purposes of a federally funded grant entitled, Buzzards Bay $433,000

2030-0013 For the purposes of a federally funded grant entitled, Fisheries Enforcement $528,402

2030-9701 For the purposes of a federally funded grant entitled, Safe Boating Program $1,050,307

Department of Environmental Protection.

2200-9706 For the purposes of a federally funded grant entitled, Water Quality Management Planning $534,071
2200-9712 For the purposes of a federally funded grant entitled, Cooperative Agreement-Leaking Underground Storage Tanks $996,646
2200-9717 For the purposes of a federally funded grant entitled, D.O.D. Environment Restoration Program $1,446,711
2200-9724 For the purposes of a federally funded grant entitled, Superfund Block Grant $769,985
2200-9728 For the purposes of a federally funded grant entitled, Brownfields Assessment Program - Multi-Site Cooperative Agreement $226,473
2200-9729 For the purposes of a Federally funded grant entitled, Brownfield Pilots Cooperative Agreements $12,889
2200-9730 For the purposes of a federally funded grant entitled, Impact Area Groundwater Study Massachusetts Military Reservation $387,508
2200-9731 For the purposes of a federally funded grant entitled, Brownfield Response $1,540,000
2230-9702 For the purposes of a federally funded grant entitled, Air, Water and Hazardous Waste Management Regulatory Programs ... $15,877,692
2230-9708 For the purposes of a federally funded grant entitled, National Environmental Network Implementation $130,600
2240-9762 For the purposes of a federally funded grant entitled, Reimbursement to Operators to Small Water Systems for Training and Certification $369,420
2240-9764 For the purposes of a federally funded grant entitled, Special Appropriation Set-Aside Administration $64,345
2240-9765 For the purposes of a federally funded grant entitled, Water Protection Coordination Grants $65,672
2240-9769 For the purposes of a federally funded grant entitled, Estuaries Watershed Permitting $16,574
2240-9770 For the purposes of a federally funded grant entitled, Surface Water $10,000
2250-9712 For the purposes of a federally funded grant entitled, Clean Air Act-Fine Particulate Matter Air Monitoring $669,834
2250-9716 For the purposes of a federally funded grant entitled, Ambient Air Toxics Pilot Project $38,136
2250-9721 For the purposes of a federally funded grant entitled, Biowatch Monitoring $109,896

2250-9724 For the purposes of a federally funded grant entitled, Mass Food Waste RCC Project $18,500

Department of Fish and Game.

2300-0012 For the purposes of a federally funded grant entitled, US Fish and Wildlife Service $82,500
2300-1113 For the purposes of a federally funded grant entitled, Natural Resources Conservation Service $150,000
2310-0115 For the purposes of a federally funded grant entitled, Land Owner Incentive Program Administration $75,000
2310-0116 For the purposes of a federally funded grant entitled, Land Owner Incentive Program Implementation $650,000
2310-0117 For the purposes of a federally funded grant entitled, Chronic Wasting Disease $90,000
2310-0018 For the purposes of a federally funded grant entitled, Junior Duck Stamp $1,500
2330-9222 For the purposes of a federally funded grant entitled, Clean Vessel $850,000
2330-9712 For the purposes of a federally funded grant entitled, Commercial Fisheries Statistics $145,000
2330-9713 For the purposes of a federally funded grant entitled, Right Whale Preservation and Protection Program $250,000
2330-9721 For the purposes of a federally funded grant entitled, Anadromous Fisheries Management $41,000
2330-9725 For the purposes of a federally funded grant entitled, Boating Infrastructure $12,000
2330-9726 For the purposes of a federally funded grant entitled, Lobster Trap Escape Vent Selectivity $55,000
2330-9730 For the purposes of a federally funded grant entitled, Interstate Fisheries Management Support $233,000
2330-9732 For the purposes of a federally funded grant entitled, ACCSP Implementation Strategic Plan $156,000
2330-9733 For the purposes of a federally funded grant entitled, Further Testing of Cod Avoiding Trawl Net Design $35,000
2330-9734 For the purposes of a federally funded grant entitled, Pilot Industry Based Survey Implementation $750,000
2330-9736 For the purposes of a federally funded grant entitled, Marine Fisheries Institute $600,000

Department of Agricultural Resources.

2511-0310 For the purposes of a federally funded grant entitled, Pesticide Enforcement $169,000

2511-0320 For the purposes of a federally funded grant entitled, Certification of Pesticide Applicators $122,717

2511-0336 For the purposes of a federally funded grant entitled, Special Pesticide Disposal Initiative $40,000

2511-0400 For the purposes of a federally funded grant entitled, Cooperative Pest Survey Program $66,869

2511-0401 For the purposes of a federally funded grant entitled, Cooperative Pesticide Recordkeeping Program $5,000

2511-0972 For the purposes of a federally funded grant entitled, Farmland Protection $3,000,000

2511-1022 For the purposes of a federally funded grant entitled, Mad Cow Disease Surveillance $79,090

2511-1023 For the purposes of a federally funded grant entitled, Enhanced Surveillance of Swine Garbage Feeding Operations $38,000

2515-1002 For the purposes of a federally funded grant entitled, Animal Disease Surveillance Homeland Security $5,483

2515-1003 For the purposes of a federally funded grant entitled, Voluntary Johne's Disease Control $30,000

2515-1005 For the purposes of a federally funded grant entitled, Low Pathogenic Avian Influenza Prevention $3,500

2515-1006 For the purposes of a federally funded grant entitled, National Animal Identification System $45,348

2516-1000 For the purposes of a federally funded grant entitled, Massachusetts Agriculture Tourism Map $48,945

2516-9002 For the purposes of a federally funded grant entitled, Development of Institutional Marketing $30,000

2516-9003 For the purposes of a federally funded grant entitled, Farmer's Market Coupon Program $607,229

2516-9004 For the purposes of a federally funded grant entitled, Senior Farmers Market Nutrition Program $50,000

2516-9007 For the purposes of a federally funded grant entitled, Organic Certification Cost-Share Program $10,000

Department of Conservation and Recreation.

2800-9707 For the purposes of a federally funded grant entitled, National Flood Insurance Program $190,000

2800-9709 For the purposes of a federally funded grant entitled, Map Modernization $43,750
2800-9720 For the purposes of a federally funded grant entitled, Blackstone Heritage Corridor Commission Cooperative Agreement $267,353
2800-9721 For the purposes of a federally funded grant entitled, Schooner Ernestina Historical Documentation $20,000
2800-9725 For the purposes of a federally funded grant entitled, FEMA National Dam Safety Program $67,423
2800-9727 For the purposes of a federally funded grant entitled, Pier Repair for Gallops Island/Boston Harbor Islands Partnership Cooperative $260,000
2800-9728 For the purposes of a federally funded grant entitled, Rehabilitation Services - Inspired $39,004
2800-9750 For the purposes of a federally funded grant entitled, Ipswich River Watershed EPA Grant $378,370
2820-9702 For the purposes of a federally funded grant entitled, Rural Community Fire Protection $86,551
2821-9705 For the purposes of a federally funded grant entitled, Shade Tree and Forest Health $425,459
2821-9709 For the purposes of a federally funded grant entitled, Forestry Planning $2,896,100
2821-9710 For the purposes of a federally funded grant entitled, Forest Land Enhancement $114,231
2821-9711 For the purposes of a federally funded grant entitled, Rural Fire Prevention and Control $237,524
2821-9713 For the purposes of a federally funded grant entitled, Wildland Urban Interface Fuels Management in Southeastern Massachusetts $269,320
2821-9722 For the purposes of a federally funded grant entitled, Forest Resource Management - US Forest Service $8,100
2821-9726 For the purposes of a federally funded grant entitled, Forest Health Management - US Forest Service $110,101
2840-9709 For the purposes of a federally funded grant entitled, Waquoit Bay National Estuarine Research Reserve Consolidated Funding $680,431
2840-9714 For the purposes of a federally funded grant entitled, Waquoit Bay Land Acquisition — National Estuarine Research Reserve $831,928
2840-9760 For the purposes of a federally funded grant entitled, Minuteman Commuter Bikeway $50,000

2840-9761 For the purposes of a federally funded grant entitled, Arlington-to-Boston Bikepath $50,000

DEPARTMENT OF EARLY EDUCATION AND CARE.

Department of Early Education and Care.

3000-8020 For the purposes of a federally funded grant entitled, Child Care Research Project $89,104

3000-9002 For the purposes of a federally funded grant entitled, Child Abuse Prevention Activities $600,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Office of the Secretary.

4000-0708 For the purposes of a federally funded grant entitled, Head Start Demonstration $175,000

4000-0713 For the purposes of a federally funded grant entitled, Youth Development State Collaboration $222,227

4000-9401 For the purposes of a federally funded grant entitled, Community Mental Health Services $8,559,524

4000-9402 For the purposes of a federally funded grant entitled, Substance Abuse Prevention and Treatment Block Grant $34,256,454

Department of Veterans' Services.

1410-0254 For the purposes of a federally funded grant entitled, Homeless Veterans Reintegration — Training and Placement — statewide $200,000

1410-0256 For the purposes of a federally funded grant entitled, Veterans Workforce Investment Program $230,308

1410-8001 For the purposes of a federally funded grant, entitled, Winchendon State Veterans' Cemetery $50,000

1410-8002 For the purposes of a federally funded grant entitled, Expansion of Agawam State Veterans' Cemetery $4,780,375

Massachusetts Commission for the Blind.

4110-3020 For the purposes of a federally funded grant entitled, Vocational Rehabilitation; provided, that no funds shall be deducted for pensions, group health and life insurance or any other such indirect cost of federally reimbursed state employees $153,000

4110-3021 For the purposes of a federally funded grant entitled, Basic Support Grant $7,601,991

4110-3023 For the purposes of a federally funded grant entitled, Independent Living - Adaptive Housing $69,695

4110-3026 For the purposes of a federally funded grant entitled, Independent Living - Services to Older Blind Americans $737,346

4110-3027 For the purposes of a federally funded grant entitled, Rehabilitation Training $29,280

4110-3028 For the purposes of a federally funded grant entitled, Supported Employment $129,244

Massachusetts Rehabilitation Commission.

4120-0020 For the purposes of a federally funded grant entitled, Vocational Rehabilitation; provided, that no funds shall be deducted for pensions, group health and life insurance or any other such indirect cost of federally reimbursed state employees $44,143,937

4120-0040 For the purposes of a federally funded grant entitled, Vocational Rehabilitation and Comprehensive Systems of personnel development Training $110,887

4120-0187 For the purposes of a federally funded grant entitled, Supported Employment Program $880,549

4120-0189 For the purposes of a federally funded grant entitled, Special Projects and Demonstrations for providing Vocational Rehabilitation Services to individuals with severe disabilities in Massachusetts $371,860

4120-0191 For the purposes of a federally funded grant entitled, Informed Members Planning and Assessing Choices Together (IMPACT) $460,953

4120-0511 For the purposes of a federally funded grant entitled, Vocational Rehabilitation - Determination of Disability $38,556,149

4120-0760 For the purposes of a federally funded grant entitled, Independent Living $1,871,402

4120-0767 For the purposes of a federally funded grant entitled, Assistive Technology $375,000

4120-0768 For the purposes of a federally funded grant entitled, Assistive Technology Act $394,797

DEPARTMENT OF YOUTH SERVICES.

4200-1601 For the purposes of a federally funded grant entitled, Serious and Violent Offender Reentry Initiative $333,332

Department of Mental Retardation.

5947-0008 For the purposes of a federally funded grant entitled, Community Integrated Personal Assistant Services $103,663

5947-0010 For the purposes of a federally funded grant entitled, Family Support $250,000

Department of Youth Services.

4200-1621 For the purposes of a federally funded grant entitled, Serious and Violent Offender Reentry Initiative $848,662

Department of Transitional Assistance.

4400-0705 For the purposes of a federally funded grant entitled, Emergency Shelter Grants $2,557,001

4400-0707 For the purposes of a federally funded grant entitled Continuum of Care $6,000,000

4400-3066 For the purposes of a federally funded grant entitled Training for Food Stamp ABAWDs $949,395

4400-3067 For the purposes of a federally funded grant entitled, Food Stamp Employment and Training $2,118,820

4400-3069 For the purposes of a federally funded grant entitled, Full Employment Food Stamp Cash-Out $25,000

4400-9404 For the purposes of a federally funded grant entitled, McKinney Shelter Plus Care $3,400,000

Department of Social Services

4800-0005 For the purposes of a federally funded grant entitled, Children's Justice Act $354,720

4800-0007 For the purposes of a federally funded grant entitled, The Family Violence Prevention and Support Services Act $1,812,749

4800-0009 For the purposes of a federally funded grant entitled, Title IV-E Independent Living $3,242,415

4800-0013 For the purposes of a federally funded grant entitled, Family Preservation and Support Services $4,936,768

4800-0085 For the purposes of a federally funded grant entitled, Educational & Training Voucher Program $1,108,019

4800-0086 For the purposes of a federally funded grant entitled, Adoption Opportunities Grant $350,000

4800-0087 For the purposes of a federally funded grant entitled, Supervised Visitation and Safe Exchange Grant $374,745

4800-0088 For the purposes of a federally funded grant entitled, Training of Child Welfare Agency Supervisors $249,722
4800-0089 For the purposes of a federally funded grant entitled, Adoption Incentive Payments $16,000
4899-0001 For the purposes of a federally funded grant entitled, Title IV-B Child Welfare Services $4,601,492
4899-0022 For the purposes of a federally funded grant entitled, Child Abuse and Neglect Prevention and Treatment $573,778

Department of Public Health.

4500-1000 For the purposes of a federally funded grant entitled, Preventive Health Services Block Grant $3,023,942
4500-1050 For the purposes of a federally funded grant entitled, Rape Prevention and Education $931,668
4510-1060 For the purposes of a federally funded grant entitled, Rape Prevention Program Planning and Evaluation Capacity Building $99,192
4500-1065 For the purposes of a federally funded grant entitled State Partnership to Improve Minority Health $127,343
4500-2000 For the purposes of a federally funded grant entitled, Maternal and Child Health Services Block Grant $13,349,343
4502-1012 For the purposes of a federally funded grant entitled, Cooperative Health Statistics System $510,692
4510-0109 For the purposes of a federally funded grant entitled, State Loan Repayment Project $250,000
4510-0113 For the purposes of a federally funded grant entitled, Office of Rural Health $150,000
4510-0118 For the purposes of a federally funded grant entitled, Primary Care Cooperative Agreement $112,200
4510-0119 For the purposes of a federally funded grant entitled, Rural Hospital Flexibility Program $255,000
4510-0219 For the purposes of a federally funded grant entitled, Small Rural Hospital Improvement Program $74,720
4510-0220 For the purposes of a federally funded grant entitled, Children's Oral Health Access Program $78,300
4510-0400 For the purposes of a federally funded grant entitled, Medicare and Medicaid Survey and Certification $7,368,033
4510-0403 For the purposes of a federally funded grant entitled, Mass Reporting System Evaluate Effects $60,276

4510-0404 For the purposes of a federally funded grant entitled, Bioterrorism Hospital Preparedness $10,258,868
4510-0500 For the purposes of a federally funded grant entitled, Clinical Laboratory Improvement $213,819
4510-0609 For the purposes of a federally funded grant entitled, NRC Security Inspections $8,421
4510-0619 For the purposes of a federally funded grant entitled, FDA Inspection of Food Establishments $193,477
4510-0629 For the purposes of a federally funded grant entitled, Harold Rogers Prescription Drug monitoring $111,500
4510-0633 For the purposes of a federally funded grant entitled, Harold Rogers II Prescription Drug Monitoring $350,000
4510-0634 For the purposes of a federally funded grant entitled, Food Safety Task Force Meeting $3,253
4510-0636 For the purposes of a federally funded grant entitled, Childhood Lead Paint Poisoning Prevention $1,335,147
4510-0793 For the purposes of a federally funded grant entitled, RURAL Automatic External Defibrillator $22,532
4510-9014 For the purposes of a federally funded grant entitled, Mammography Quality Standards Act Inspections $145,410
4510-9040 For the purposes of a federally funded grant entitled, Diabetes Control Program $893,894
4510-9043 For the purposes of a federally funded grant entitled, Demonstration Program to Conduct Toxic Waste Site Health Impact Assessments $550,614
4510-9048 For the purposes of a federally funded grant entitled, Indoor Radon Development Program $148,846
4510-9053 For the purposes of a federally funded grant entitled, Beaches Environmental Assessment $345,608
4510-9056 For the purposes of a federally funded grant entitled, National Environmental Public Health Tracking $614,804
4510-9062 For the purposes of a federally funded grant entitled, Prevalence of ALS and MS in Commonwealth Around Hazardous Waste Sites $77,705
4510-9063 For the purposes of a federally funded grant entitled, Environmental and Health Effects Tracking $450,844
4512-0102 For the purposes of a federally funded grant entitled, Sexually Transmitted Disease Control $1,667,010
4512-0107 For the purposes of a federally funded grant entitled, HIV Risk Behavior Surveillance $212,715

4512-0179 For the purposes of a federally funded grant entitled, Vaccination Assistance Project $5,680,272
4512-0180 For the purposes of a federally funded grant entitled, Epidemiology and Lab Surveillance $1,331,319
4512-9063 For the purposes of a federally funded grant entitled, Ecstasy and Other Club Drugs Cooperative Agreement $73,089
4512-9064 For the purposed of a federally funded grant entitled, Adolescent Treatment $355,367
4512-9426 For the purposes of a federally funded grant entitled, Uniform Alcohol and Drug Abuse Data Collection $82,226
4513-0111 For the purposes of a federally funded grant entitled, Housing Opportunities-People with AIDS $506,901
4513-9007 For the purposes of a federally funded grant entitled, Nutritional Status of Women, Infants, and Children (WIC) $72,231,674
4513-9018 For the purposes of a federally funded grant entitled, Augmentation and Evaluation of Established Health Education - Risk Reduction $11,674,273
4513-9021 For the purposes of a federally funded grant entitled, Program for Infants and Toddlers with Handicaps $8,850,114
4513-9022 For the purposes of a federally funded grant entitled, Prevention Disability State Based Project $342,000
4513-9027 For the purposes of a federally funded grant entitled, MassCare - Community AIDS Resource Enhancement $888,693
4513-9030 For the purposes of a federally funded grant entitled, Planning a Comprehensive Primary Care System for All Mass Children and Youth $100,000
4513-9035 For the purposes of a federally funded grant entitled, AIDS Surveillance and Seroprevalence Project $1,318,149
4513-9037 For the purposes of a federally funded grant entitled, Ryan White Comprehensive AIDS Resources $20,273,453
4513-9038 For the purposes of a federally funded grant entitled, Shelter Plus Care – Worcester $267,672
4513-9046 For the purposes of a federally funded grant entitled, Congenital Anomalies Center of Excellence $1,041,806
4513-9051 For the purposes of a federally funded grant entitled, Rural Domestic Violence and Children Victimization Project $460,309
4513-9060 For the purposes of a federally funded grant entitled, Residential Fire Injury Prevention - Mass Injury Intervention and Surveillance $144,760
4513-9066 For the purposes of a federally funded grant entitled, Universal

Newborn Hearing Screening-Enhancement Project $150,000

4513-9071 For the purposes of a federally funded grant entitled, Early Hearing Detection and Intervention (EHDI) Tracking and Research $170,000

4513-9072 For the purposes of a federally funded grant entitled, Intimate Partner Violence Among Racial and Ethnic Minority Populations $75,000

4513-9076 For the purposes of a federally funded grant entitled, Early Childhood Comprehensive Systems $140,000

4513-9077 For the purposes of a federally funded grant entitled, Emergency Medical Services for Children Partnership II $115,000

4513-9078 For the purposes of a federally funded grant entitled, Asthma Planning Collaborative $200,000

4513-9079 For the purposes of a Massachusetts Youth Violence Prevention Program $98,997

4513-9081 For the purpose of a federally funded grant entitled, State Implementation Grant for Children with Special health Care Needs $300,000

4513-9082 For the purpose of a federally funded grant entitled, CAPTA Requirement to Identify and Serve Substance Exposed Newborns $150,000

4513-9083 For the purposed of a federally funded grant entitled, Massachusetts Youth Suicide Prevention Program $299,841

4513-9084 For the purpose of a federally funded grant entitled, Abstinence Education Program $712,241

4514-1004 For the purposes of a federally funded grant entitled, Emotion Based Messages to Promote Healthy Behavior $15,294

4514-1005 For the purposes of a federally funded grant entitled, WIC-Management Information Systems $260,000

4515-0115 For the purposes of a federally funded grant entitled, Tuberculosis Control Project $1,993,585

4515-0121 For the purposes of a federally funded grant entitled, Tuberculosis Epidemiological Studies and Consortium $349,828

4515-0200 For the purposes of a federally funded grant entitled, STD /HIV Prevention Training Centers $477,305

4516-1021 For the purposes of a federally funded grant entitled, Public Health Preparedness and Response for Bioterrorism $23,374,570

4516-1025 For the purposes of a federally funded grant entitled, Morbidity and Risk Behavior Surveillance $299,811

4516-1100 For the purposes of a federally funded grant entitled, Enhancement of Laboratory testing $92,000

4518-0505 For the purposes of a federally funded grant entitled, Tech Data & Mass Birth/Infant Death File Linkage/Analysis Assistive Reproductive $91,767

4518-0514 For the purposes of a federally funded grant entitled, National Violent Death Reporting System $382,132

4518-0534 For the purposes of a federally funded grant entitled, Public Health Injury Surveillance and Prevention $447,830

4518-1000 For the purposes of a federally funded grant entitled, Procurement of Information for the National Death Index $43,598

4518-1002 For the purposes of a federally funded grant entitled, Massachusetts Death File - Social Security Administration $79,300

4518-1003 For the purposes of a federally funded grant entitled, Massachusetts Birth Records - Social Security Administration $370,101

4518-9022 For the purposes of a federally funded grant entitled, Sentinel Event Notification System for Occupational Risks $157,122

4518-9023 For the purposes of a federally funded grant entitled, Census of Fatal Occupational Injuries $42,100

4518-9025 For the purposes of a federally funded grant entitled, Fatality Surveillance and Field Investigations $145,748

4518-9030 For the purpose of a federally funded grant entitled, Public Health Injury Surveillance and Prevention Program $120,000

4570-1509 For the purposes of a federally funded grant entitled, Massachusetts Cardiovascular Disease Prevention $1,895,011

4570-1512 For the purposes of a federally funded grant entitled, National Cancer Prevention Control $5,711,938

4570-1515 For the purposes of a federally funded grant entitled, Chronic Diseases Prevention and Health Promotion $4,454,744

Department of Mental Health.

5012-9121 For the purposes of a federally funded grant entitled, Project for Assistance in Transition from Homelessness $1,413,000

5012-9157 For the purposes of a federally funded grant entitled, Alternatives to Restraint and Seclusion $238,311

5014-9105 For the purposes of a federally funded grant entitled, Data Infrastructure $142,220

5046-9102 For the purposes of a federally funded grant entitled, Shelter Plus Care Program $173,760

5047-9102 For the purposes of a federally funded grant entitled, Comprehensive Mental Health Services for Children and their Families .. $1,375,000

EXECUTIVE OFFICE OF TRANSPORTATION.

Office of the Secretary.

6000-0018 For the purposes of a federally funded grant entitled, Rural Public Transportation Assistance $3,723,579

6000-0019 For the purposes of a federally funded grant entitled, Section 5307 Transportation Demand Management $164,450

6000-0020 For the purposes of a federally funded grant entitled, Jobs Access Reverse Commute $2,364,600

6000-0023 For the purposes of a federally funded grant entitled, Rural Public Transportation Planning Grant $3,490,079

6000-0049 For the purposes of a federally funded grant entitled, Elderly and Handicapped Transportation Capital Grant $3,672,607

6000-0022 For the purposes of a federally funded grant entitled, United We Ride Grant $14,500

Registry of Motor Vehicles.

8400-0090 For the purposes of a federally funded grant entitled, Enhance CDL Licensing $750,000

Board of Library Commissioners.

7000-9700 For the purposes of a federally funded grant entitled, Federal Reserve - Title I $169,280

7000-9702 For the purposes of a federally funded grant entitled, Library Service Technology Act $3,423,733

Departments of Labor and Workforce Development.

7002-4203 For the purposes of a federally funded grant entitled, Occupational Substance and Health Administration Statistical Survey $108,191

7002-4204 For the purposes of a federally funded grant entitled, Adult Blood Lead Levels Surveillance $19,070

7002-4212 For the purposes of a federally funded grant entitled, Asbestos Licensing and Monitoring $103,462

7002-4213 For the purposes of a federally funded grant entitled, Lead Licensing and Monitoring $337,957

7002-4215 For the purposes of a federally funded grant entitled, Occupational Illness and Injury $86,676

7002-4216 For the purposes of a federally funded grant entitled, Lead Enforcement Cooperative Agreement $50,000

7002-6624 For the purposes of a federally funded grant entitled, Unemployment Insurance Administration $69,157,578

7002-6626 For the purposes of a federally funded grant entitled, Employment Service Programs Administration $21,876,683

7002-6627 For the purposes of a federally funded grant entitled, Occupational Substance and Health Administration On-site Consultation Program $1,530,038

7002-6628 For the purposes of a federally funded grant entitled, Disabled Veterans Outreach $1,424,669

7002-6629 For the purposes of a federally funded grant entitled, Local Veterans Employment Representative $1,507,252

7002-9701 For the purposes of a federally funded grant entitled, Federal Bureau of Labor Statistics Grant $2,495,562

7003-1010 For the purposes of a federally funded grant entitled, Trade Expansion Act Program $9,761,375

7003-1630 For the purposes of a federally funded grant entitled, Adult Activities – Workforce Investment Act Title I - Adult Activities $17,837,849

7003-1631 For the purposes of a federally funded grant entitled, Youth Formula Grants – Workforce Investment Act Title I - Youth Formula Grants $24,425,390

7003-1632 For the purposes of a federally funded grant entitled, Dislocated Workers – Workforce Investment Act Title I –Dislocated Workers $57,789,750

7003-1633 For the purposes of a federally funded grant entitled, Work Incentive Grant Access to Employment for All $1,868,081

7003-2013 For the purposes of a federally funded grant entitled, Mine Safety and Health Training $61,288

Department of Housing and Community Development.

7004-0304 For the purposes of a federally funded grant entitled, Lead-Based Paint Control Program $2,000,000

7004-2030 For the purposes of a federally funded grant entitled, Weatherization Assistance for Low Income Persons; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies $6,471,361

7004-2033 For the purposes of a federally funded grant entitled, Low Income Home Energy Assistance Program; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development shall provide monthly payments in advance to participating agencies . $81,100,577

7004-2034 For the purposes of a federally funded grant entitled, Community Services Block Grant; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies $17,110,304

7004-2361 For the purposes of a federally funded grant entitled, Section 8 Substantial Rehabilitation Administrative Fee $378,000

7004-2363 For the purposes of a federally funded grant entitled, Section 8 Administrative Fee Housing Voucher $1,334,162

7004-2364 For the purposes of a federally funded grant entitled, Section 8 Administrative Fee Moderate Rehabilitation $156,000

7004-2365 For the purposes of a federally funded grant entitled, Section 8 Administrative Fee New Construction $560,000

7004-3037 For the purposes of a federally funded grant entitled, Small Cities Community Development Block Grant Program; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies $76,442,442

7004-9009 For the purposes of a federally funded grant entitled, Section 8 Substantial Rehabilitation Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies $9,400,000

7004-9014 For the purposes of a federally funded grant entitled, Section 8 Federal Housing Voucher Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies $206,000,000

7004-9019 For the purposes of a federally funded grant entitled, Section 8 Moderate Rehabilitation; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies $8,000,000

7004-9020 For the purposes of a federally funded grant entitled, Section 8 New Construction Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies $6,435,000

7004-9028 For the purposes of a federally funded grant entitled, Home Investment Partnerships; provided, that consistent with applicable federal regulations and the state plan, the department

of housing and community development may provide monthly payments in advance to participating agencies $32,000,000

7004-9039 For the purposes of a federally funded grant entitled, HOME Technical Assistance $150,000

7004-9051 For the purposes of a federally funded grant entitled, Shelter Plus Care-Lowell; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies $25,000

Department of Telecommunications and Energy.

7006-9000 For the purposes of a federally funded grant entitled, Motor Carrier Safety Assistance $100,000

7006-9002 For the purposes of a federally funded grant entitled, Pipeline Security $1,200,000

Division of Energy Resources.

7006-9216 For the purposes of a federally funded grant entitled, City of Boston Municipal Energy Program $40,000

7006-9220 For the purposes of a federally funded grant entitled, Potential for Wind Energy $50,487

7006-9222 For the purposes of a federally funded grant entitled, Massachusetts Micro-Hydro Analysis Project $50,000

7006-9223 For the purposes of a federally funded grant entitled, Leveraging Manufacturing Productivity and Energy Efficiency Resources on a Regional Basis $5,582

7006-9227 For the purposes of a federally funded grant entitled, Public Housing Efficiency Project $66,196

7006-9228 For the purposes of a federally funded grant entitled, Rebuild America — Northeast Regional Peer Exchange $6,710

7006-9229 For the purposes of a federally funded grant entitled, Eastern Massachusetts Shuttle Project $40,875

7006-9230 For the purposes of a federally funded grant entitled, Northeast Regional Combined Cooling, Heating, and Power $150,000

7006-9231 For the purposes of a federally funded grant entitled, City of Brockton $59,400

7006-9232 For the purposes of a federally funded grant entitled, Comm. Of Mass Energy Efficiency Partnership Outreach, Training and Assessments $149,967

7006-9233 For the purposes of a federally funded grant entitled, Rebuild Massachusetts Program $98,962

7006-9234 For the purposes of a federally funded grant entitled, Million Solar Roofs Peer-to-Peer Meeting $14,000

7006-9235 For the purposes of a federally funded grant entitled, Massachusetts Million Solar Roofs Partnership $49,680

7006-9236 For the purposes of a federally funded grant entitled, Compressed Natural Gas Technology $50,000

7006-9237 For the purposes of a federally funded grant entitled, Rebuild Mass – Energy Smart Communities $100,000

7006-9238 For the purposes of a federally funded grant entitled, SEP - 4 Natural Gas Buses $196,843

7006-9239 For the purposes of a federally funded grant entitled, SEP – A Module-Integrated $250,000

7006-9240 For the purposes of a federally funded grant entitled, Tall Tower Wind $53,340

7006-9241 For the purposes of a federally funded grant entitled, SEP - Comm of Mass Energy Efficiency Partnership $100,000

7006-9720 For the purposes of a federally funded grant entitled, State Heating Oil and Propane Program $22,288

7006-9743 For the purposes of a federally funded grant entitled, State Energy Plan $958,000

7006-9757 For the purposes of a federally funded grant entitled, Northeast Regional Biomass Program $20,000

Department of Education.

7010-9706 For the purposes of a federally funded grant entitled, Common Core Data Project $163,676

7027-0210 For the purposes of a federally funded grant entitled, Partnerships in Character Education $28,912

7032-0217 For the purposes of a federally funded grant entitled, Robert C. Byrd Honors Scholarship Program — Distribution $816,000

7032-0228 For the purposes of a federally funded grant entitled, Massachusetts AIDS Education Program $505,278

7035-0020 For the purposes of a federally funded grant entitled, Massachusetts State Improvement Grant Project Focus $2,552,000

7035-0166 For the purposes of a federally funded grant entitled, Even Start Family Literacy - Distribution $3,250,000

7035-0176 For the purposes of a federally funded grant entitled, Comprehensive School Demonstration - Distribution $3,541,133

7038-0107 For the purposes of a federally funded grant entitled, Adult Basic Education - Distribution $10,609,063

7038-9004 For the purposes of a federally funded grant entitled, School Based Programs Distribution $427,195
7038-9008 For the purposes of a federally funded grant entitled, Learn and Serve America Community, Higher Ed and Schools Partnership $350,000
7038-9748 For the purposes of a federally funded grant entitled, Refugee Children School Impact Grant Program $16,495
7043-1001 For the purposes of a federally funded grant entitled, Title I Grants to Local Educational Agencies $230,018,520
7043-1002 For the purposes of a federally funded grant entitled, Title I Reading First State Grants $13,963,645
7043-1004 For the purposes of a federally funded grant entitled, Migrant Education $1,779,680
7043-1005 For the purposes of a federally funded grant entitled, Title I Neglected and Delinquent Children $1,797,340
7043-2001 For the purposes of a federally funded grant entitled, Teacher and Principal Training and Recruiting $51,807,065
7043-2002 For the purposes of a federally funded grant entitled, Title II State and Local Technology Grants $8,381,630
7043-2003 For the purposes of a federally funded grant entitled, Title I Math and Science Partnerships $2,410,293
7043-3001 For the purposes of a federally funded grant entitled, English Language Acquisition $11,463,068
7043-4001 For the purposes of a federally funded grant entitled, Safe and Drug Free Schools and Communities $6,500,000
7043-4002 For the purposes of a federally funded grant entitled, After School Learning Centers $16,964,214
7043-5001 For the purposes of a federally funded grant entitled, Innovative Education Programs $3,961,479
7043-6001 For the purposes of a federally funded grant entitled, Grants for State Assessments and Related Activities $7,945,029
7043-6002 For the purposes of a federally funded grant entitled, Rural And Low-Income Schools $145,997
7043-6501 For the purposes of a federally funded grant entitled, Education for Homeless Children/Youth $1,106,889
7043-7001 For the purposes of a federally funded grant entitled, Special Education Grants $263,807,349
7043-7002 For the purposes of a federally funded grant entitled, Preschool Grants $9,828,422
7043-8001 For the purposes of a federally funded grant entitled, Vocational Education Basic Grants $18,015,218

7043-8002 For the purposes of a federally funded grant entitled, Technical Preparation Education $1,650,346
7043-9001 For the purposes of a federally funded grant entitled, Teacher Quality Enhancement/Partnerships $25,000
7043-9002 For the purposes of a federally funded grant entitled, Transition to Teaching $580,000
7044-0020 For the purposes of a federally funded grant entitled, New Project Focus $1,140,000
7044-0210 For the purposes of a federally funded grant entitled, Advanced Placement Fee $1,280,000
7045-6300 For the purposes of a federally funded grant entitled, Hurricane Katrina Emergency School Impact Aid $450,000
7053-2112 For the purposes of a federally funded grant entitled, Special Assistance Funds $125,222,088
7053-2117 For the purposes of a federally funded grant entitled, Child Care Program $45,092,373
7053-2126 For the purposes of a federally funded grant entitled, Temporary Emergency Food Assistance $832,948
7053-2202 For the purposes of a federally funded grant entitled, Special Summer Food Service Program for Children $5,024,557
7053-2266 For the purposes of a federally funded grant entitled, Mass Team Nutrition Grant $191,360
7062-0008 For the purposes of a federally funded grant entitled, Office of School Lunch Programs — Child Care Program Administration $2,500,000
7062-0017 For the purposes of a federally funded grant entitled, Charter Schools Assistance Distribution $2,528,256
7062-0019 For the purposes of a federally funded grant entitled, Career Resource Network State Grant $157,000

Board of Higher Education.

7066-1574 For the purposes of a federally funded grant entitled, Improving Teacher Quality Grants $1,348,636
7066-6022 For the purposes of a federally funded grant entitled, Gear Up — Board of Higher Education $5,000,000
7066-6033 For the purposes of a federally funded grant entitled, Gaining Early Awareness and Readiness for Undergraduate Programs II $35,000,000
7070-0017 For the purposes of a federally funded grant entitled, State Student Incentive Grant Program — Board of Higher Education $966,753

7110-1182 For the purposes of a federally funded grant entitled, National Science Foundation - Fitchburg State College $115,000

7110-6019 For the purposes of a federally funded grant entitled, Upward Bound Payroll and Benefits - Fitchburg State College $253,000

7110-6030 For the purposes of a federally funded grant entitled, Expanding Horizons Student Support Services - Fitchburg State College $291,500

7110-6046 For the purposes of a federally funded grant entitled, Co-Step Special Education Payroll and Benefits - Fitchburg State College $20,000

7110-6048 For the purposes of a federally funded grant entitled, Special Education Personnel Preparation - Fitchburg State College $95,000

7110-6064 For the purposes of a federally funded grant entitled, Department of State Community Connections - Fitchburg State College $5,000

7410-3093 For the purposes of a federally funded grant entitled, Polymer Building Construction - University of Massachusetts Amherst $1,750,000

7503-9711 For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - Bristol Community College $312,530

7503-9714 For the purposes of a federally funded grant entitled, Upward Bound Program - Bristol Community College $124,090

7509-1490 For the purposes of a federally funded grant entitled, Educational Opportunities Centers Payroll - Mount Wachusett Community College $173,000

7509-9714 For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - Mount Wachusett Community College $285,000

7509-9718 For the purposes of a federally funded grant entitled, Talent Search - Mount Wachusett Community College $248,000

7509-9720 For the purposes of a federally funded grant entitled, Gaining Early Awareness and Readiness for Undergraduate Programs 2011 - Mount Wachusett Community College $515,000

7509-9721 For the purposes of a federally funded grant entitled, Gaining Early Awareness and Readiness for Undergraduate Programs-Payroll Mount Wachusett Community College $240,000

7511-9711 For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - North Shore Community College $400,000

7511-9713 For the purposes of a federally funded grant entitled, IAP - Strengthening Institutions Program - North Shore Community

College $250,000
7511-9740 For the purposes of a federally funded grant entitled, Upward Bound - North Shore Community College $275,000
7511-9750 For the purposes of a federally funded grant entitled, Talent Search - North Shore Community College $185,000
7518-6127 For the purposes of a federally funded grant entitled, College Work Study Program - Bunker Hill Community College $205,000

EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.

Office of the Secretary.

8000-4602 For the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act - Planning $151,565
8000-4603 For the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act $1,071,095
8000-4608 For the purposes of a federally funded grant entitled, Drug-Free Schools and Communities Act of 1986 ..... $1,048,314
8000-4609 For the purposes of a federally funded grant entitled, Narcotics Control Assistance $3,000,000
8000-4610 For the purposes of a federally funded grant entitled, Statistical Analysis Center $59,037
8000-4611 For the purposes of a federally funded grant entitled, Byrne Justice Assistance 5,200,000
8000-4619 For the purposes of a federally funded grant entitled, Title V $87,440
8000-4620 For the purposes of a federally funded grant entitled, Stop Violence Against Women Formula Grants Program $1,924,564
8000-4623 For the purposes of a federally funded grant entitled, Criminal History Improvement $799,341
8000-4624 For the purposes of a federally funded grant entitled, Prisoner Substance Abuse Treatment $330,000
8000-4626 For the purposes of a federally funded grant entitled, Violent Offender Incarceration $896,197
8000-4634 For the purposes of a federally funded grant entitled, Juvenile Accountability Incentive Block Grant $978,100
8000-4637 For the purposes of a federally funded grant entitled, Sex Offender Management Grant $54,904
8000-4642 For the purposes of a federally funded grant entitled, Bullet-proof Vest Partnership Program $20,000
8000-4690 For the purposes of a federally funded grant entitled, Justice Information Technology $30,000

8000-4692 For the purposes of a federally funded grant entitled, State Homeland Security Program $40,000,000
8000-4693 For the purposes of a federally funded grant entitled, Project Safe Neighborhood $533,616
8000-4694 For the purposes of a federally funded grant entitled, Urban Area Security Initiative $12,000,000
8000-4696 For the purposes of a federally funded grant entitled, Transportation Security Grant $8,600,000
8000-4804 For the purposes of a federally funded grant entitled, State Agency Programs $7,651,737
8000-4829 For the purposes of a federally funded grant entitled, Demonstration/Evaluation of Rational Speed Limits $77,903
8000-4830 For the purposes of a federally funded grant entitled, Crash Outcome Data Evaluation System $72,612
8000-4834 For the purposes of a federally funded grant entitled, Older Road User Highway Improvements $5,000
8000-4835 For the purposes of a federally funded grant entitled, FY2003 Enforcing the Underage Drinking Laws $89,250
8000-4836 For the purposes of a federally funded grant entitled, Commercial Motor Vehicle Data Quality Control and Analysis $200,000
8000-4837 For the purposes of a federally funded grant entitled, FY 2004 Enforcing the Underage Drinking Laws $50,000
8000-4838 For the purposes of a federally funded grant entitled, Enforcing Underage Drinking Law III $206,000
8000-4839 For the purposes of a federally funded grant entitled, Enforcing Underage Drinking Law IV $200,000

Department of State Police.

8100-0208 For the purposes of a federally funded grant entitled, MCSAP $243,201
8100-0209 For the purposes of a federally funded grant entitled, Region 1 Training Academy Motor Carrier Safety Assistance $145,000
8100-0210 For the purposes of a federally funded grant entitled, MCSAP-CVE New Entrant Audit $252,976
8100-0216 For the purposes of a federally funded grant entitled, MCSAP FY06/FY07 ..... $2,486,196
8100-2058 For the purposes of a federally funded grant entitled, New England State Police Administrator's Conference - Regional Investigation $4,155,952
8100-9706 For the purposes of a federally funded grant entitled, Cannabis Eradication Controlled Substance Prosecution DEA Cooperative Agreement $33,730

8100-9725 For the purposes of a federally funded grant entitled, Paul Coverdell National Forensic Science FY04 ..... $147,004

8100-9727 For the purposes of a federally funded grant entitled, Forensic Casework DNA Backlog $663,842

8100-9728 For the purposes of a federally funded grant entitled, Solving Cold Cases through DNA $500,000

8100-9729 For the purposes of a federally funded grant entitled, Coverdell NFSI FFY05 ..... $208,110

8100-9730 For the purposes of a federally funded grant entitled, Forensic Casework DNA Backlog FFY05 ..... $287,425

8100-9731 For the purposes of a federally funded grant entitled, DNA Capacity Enhancement FFY05 ..... $515,000

8100-9705 For the purposes of a federally funded grant entitled, Port Security FFY05 ..... $177,885

8100-2038 For the purposes of a federally funded grant entitled, Internet Crimes Against Children (ICAC) $400,000

8100-9732 For the purposes of a federally funded grant entitled, Coverdell FSI FFY06 ..... $91,015

Department of Fire Services.

8324-1505 For the purposes of a federally funded grant entitled, USFA/NFA State Fire Training Program $28,000

8324-9707 For the purposes of a federally funded grant entitled, Underground Storage Tank Registry Program $187,500

Military Division.

8700-0302 For the purposes of a federally funded grant entitled, Military Construction Costs in Reading $18,057,500

8700-1000 For the purposes of a federally funded grant entitled, Military Construction Costs in Framingham $480,718

8700-2000 For the purposes of a federally funded grant entitled, National Guard Feasibility Studies $500,000

8800-0003 For the purposes of a federally funded grant entitled, Emergency Management Assistance Personnel and Administrative Expenses $25,969

Massachusetts Emergency Management Agency.

8800-0042 For the purposes of a federally funded grant entitled, Hazardous Materials Transportation Act $214,283

8800-0048 For the purposes of a federally funded grant entitled, Flood Mitigation Assistance Program $829,840

8800-0054 For the purposes of a federally funded grant entitled, Flood 10/20/06 ..... $2,333,770
8800-0064 For the purposes of a federally funded grant entitled, Hazard Mitigation 1364 ..... $1,520,166
8800-0069 For the purposes of a federally funded grant entitled, Comprehensive Environmental Response, Compensation, and Liability Act Grant $2,166
8800-0078 For the purposes of a federally funded grant entitled, Pre-Disaster Mitigation Program $648,570
8800-0080 For the purposes of a federally funded grant entitled, Local Emergency Plan Assistance $22,656
8800-0082 For the purposes of a federally funded grant entitled, Snow Removal Declaration 3175 ..... $10,000,000
8800-0083 For the purposes of a federally funded grant entitled, Snow Removal Declaration $40,000,000
8800-0086 For the purposes of a federally funded grant entitled, Pre-Disaster Mitigation/Disaster Resistant University $220,375
8800-0087 For the purposes of a federally funded grant entitled, Pre-Disaster Mitigation Competitive Grant $4,908,002
8800-0088 For the purposes of a federally funded grant entitled, Snow Removal Declaration 3201 ..... $60,000,000
8800-1512 For the purposes of a federally funded grant entitled, Hazard Mitigation Program, HMPG for FEMA-DR1512 ..... $243,225
8800-2009 For the purposes of a federally funded grant entitled October Floods 10/7/05 ..... $3,000,000

Department of Correction.

8903-6202 For the purposes of a federally funded grant entitled, Serious and Violent Offender Reentry Initiative $700,000
8903-9709 For the purposes of a federally funded grant entitled, Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders $110,746

EXECUTIVE OFFICE OF ELDER AFFAIRS.

Office of the Secretary.

9110-1071 For the purposes of a federally funded grant entitled, Older American Act – Title VII Elder Abuse Prevention $152,812
9110-1072 For the purposes of a federally funded grant entitled, Older American Act – Title VII Ombudsman $302,838

9110-1073 For the purposes of a federally funded grant entitled, Older American Act – Title III Preventive Health $626,782

9110-1074 For the purposes of a federally funded grant entitled, Older Americans Assistance, Title III and Title VII $9,413,190

9110-1077 For the purposes of a federally funded grant entitled, Older Americans Act, Title III -E, National Family Caregiver Support Program $5,425,340

9110-1095 For the purposes of a federally funded grant entitled, Health Information Counseling and Assistance $659,385

9110-1173 For the purposes of a federally funded grant entitled, Older Americans Act - Title III Nutrition Program $13,420,000

9110-1174 For the purposes of a federally funded grant entitled, Nutrition Services Incentive Program $4,074,000

9110-1178 For the purposes of a federally funded grant entitled, Community Service Employment Program $1,901,968

9110-1755 For the purposes of a federally funded grant entitled, State Pharmacy Assistance Program Transitional Grant $6,048,468

9110-2760 For the purposes of a federally funded grant entitled, New England Massachusetts Aging and Disability Resource Center $89,285

9110-2761 For the purposes of a federally funded grant entitled, Aging and Disability Resource Center- Center for Medicaid and Medicare Services $250,000

Office Refugees and Immigration

4003-0803 For the purposes of a federally funded grant entitled, Refugee School Impact $230,000

4003-0804 For the purposes of a federally funded grant entitled, refugee Targeted Assistance Grant $1,138,709

4003-0805 For the purposes of a federally funded grant entitled, refugee Resettlement Program $1,518,403

4003-0806 For the purposes of a federally funded grant entitled, Refugee Cash, Medical, and Administration $8,992,044

4003-0807 For the purposes of a federally funded grant entitled, State Legalization Impact $132,935

SECTION 3. Notwithstanding any general or special law to the contrary, for the fiscal year ending June 30, 2007 the distribution to cities and towns of the balance of the State Lottery Fund, as paid by the treasurer from the General Fund in accordance with clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, shall be $920,028,283 and shall be apportioned to the cities and towns in accordance with this section.

Notwithstanding any general or special law to the contrary, the total amounts to be distributed and paid to each city and town from item 0611-5500 of section 2 shall be as set forth in the following lists. The amounts to be distributed from said item 0611-5500 of said section 2 shall be in full satisfaction of the amounts due under section 37 of chapter 21 of the General Laws.

Notwithstanding section 2 of chapter 70 of the General Laws or any other general or special law to the contrary, except for section 12B of chapter 76 and section 89 of chapter 71 of the General Laws, for fiscal year 2007 the total amounts to be distributed and paid to each city and town from item 7061-0008 of section 2 shall be as set forth in the following lists. The specified amounts to be distributed from said item 7061-0008 of said section 2 shall be in full satisfaction of the amounts due under chapter 70 of the General Laws.

For fiscal year 2007, the foundation budget categories shall be consolidated into 11 categories as in house bill 2, as submitted by the governor in January of 2006; provided, each foundation budget shall be calculated in the same manner as house bill 2, with the exception of the employee benefits and fixed charges category; provided further, the foundation inflation index shall not be capped during fiscal year 2007; provided further, no school district shall have a wage adjustment factor less than one; provided further, for fiscal year 2007 the limited English allotments in the foundation budget shall be increased by $50; and provided further, for fiscal year 2007 the low-income allotments in the foundation budget shall be increased by $25. Municipal revenue growth factors shall be the same as calculated in house bill 2. Required local contributions for fiscal year 2007 shall be calculated using the same methodology as in said house bill 2. Preliminary local contribution shall be the municipality's fiscal year 2006 minimum required local contribution increased or decreased by the municipal revenue growth factor. Target local contribution shall be defined and calculated as in said house bill 2; provided, that the statewide target local share, as so defined, shall be 59%; provided further, that the maximum target local contribution shall be 82.5 percent of a municipality's foundation budget. Required local contributions shall be allocated among the regions to which a municipality belongs according to the allocation methodology used to allocate said contributions in said house bill 2; provided, no municipality shall have a required local contribution that exceeds 150 percent of the municipal foundation budget.

For fiscal year 2007, "foundation aid" shall be the positive difference between a district's foundation budget and its required district contribution. "Down payment aid" shall be defined as the sum of: (a) prior year chapter 70 aid and (b) 20 per cent of the positive difference between 100 per cent of a district's target aid share and its prior year chapter 70 aid; provided, the target aid share shall be defined as in house bill 2, with the minimum target aid share being 17.5 percent. "Growth aid" shall be defined as in said house bill 2. If the foundation aid amount is less than the down payment aid amount, the department shall add a down payment increment so that the district receives not less than the down payment aid amount. If the sum of foundation aid and the down payment increment is less than the growth

aid amount, the department shall add a growth increment so that the district receives not less than the growth aid amount. If the sum of foundation aid and the down payment increment and the growth increment is less than $50 per pupil, the department shall add a minimum increment such that every district receives an increase over fiscal year 2006, which is at least equal to $50 per student. Chapter 70 aid for fiscal year 2007 shall be the sum of foundation aid plus the down payment increment, if any, plus the growth increment, if any, plus the minimum increment, if any. No district shall receive chapter 70 aid in an amount greater than the district's foundation budget. Notwithstanding the provisions of section 6 of chapter 70 of the General Laws or any other general or special law to the contrary, the commissioner of education shall reduce the fiscal year 2006 net school spending requirement for any school district whose requirement would otherwise exceed 150 percent of its foundation budget. If there is a conflict between the language of this section and the distribution listed below, the distribution below shall control.

The department shall not consider health care costs for retired teachers to be part of net school spending for any district in which such costs were not considered part of net school spending in fiscal year 1994.

No payments to cities, towns, or counties maintaining an agricultural school pursuant to this section shall be made after November 30 of the fiscal year by the state treasurer until he receives certification from the commissioner of revenue of the commissioner's acceptance of the prior fiscal year's annual financial reports submitted pursuant to section 43 of chapter 44 of the General Laws. The state treasurer shall make advance payments for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district, or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines established by the secretary.

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution
ABINGTON	7,152,781	0	2,412,357
ACTON	3,214,302	29,696	1,681,010
ACUSHNET	6,138,021	23,875	1,837,561
ADAMS	0	35,042	2,434,463
AGAWAM	12,524,413	0	4,502,085
ALFORD	0	0	16,574
AMESBURY	8,583,727	0	2,385,607
AMHERST	5,933,998	222,910	9,665,752
ANDOVER	6,105,826	0	2,182,376
ARLINGTON	5,592,670	4,491,775	4,884,315
ASHBURNHAM	0	0	855,677

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution
ASHBY	7,066	0	468,104
ASHFIELD	71,328	0	227,001
ASHLAND	3,470,347	291,598	1,364,510
ATHOL	0	4,377	2,793,955
ATTLEBORO	27,866,186	0	6,981,165
AUBURN	4,305,255	0	2,095,931
AVON	689,890	400,636	455,985
AYER	3,883,672	44,218	883,466
BARNSTABLE	6,788,862	0	2,575,171
BARRE	16,444	0	994,565
BECKET	79,274	8,580	102,324
BEDFORD	2,302,613	484,271	929,679
BELCHERTOWN	10,564,909	0	2,075,915
BELLINGHAM	7,877,733	0	2,084,059
BELMONT	3,344,078	827,483	1,955,091
BERKLEY	5,258,969	0	743,854
BERLIN	518,928	0	247,316
BERNARDSTON	0	0	345,852
BEVERLY	6,612,472	2,452,442	4,741,621
BILLERICA	14,140,521	2,349,321	4,822,655
BLACKSTONE	115,035	0	1,467,122
BLANDFORD	43,027	0	154,032
BOLTON	5,551	0	240,338
BOSTON	210,540,147	164,211,152	70,589,023
BOURNE	4,725,494	352,555	1,449,186
BOXBOROUGH	1,344,663	0	307,421
BOXFORD	1,536,107	36,411	558,969
BOYLSTON	424,025	0	419,320
BRAINTREE	6,348,111	3,378,041	3,689,835
BREWSTER	872,877	0	483,871
BRIDGEWATER	91,714	0	3,919,452
BRIMFIELD	1,046,886	0	476,127
BROCKTON	117,298,166	4,310,392	21,427,385
BROOKFIELD	1,345,037	0	605,089
BROOKLINE	5,789,916	3,497,741	4,345,694
BUCKLAND	0	0	338,556
BURLINGTON	4,099,585	1,386,400	1,839,692

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution
CAMBRIDGE	7,772,248	17,956,060	8,666,998
CANTON	2,977,671	878,002	1,761,264
CARLISLE	695,338	14,729	254,031
CARVER	9,740,177	0	1,788,612
CHARLEMONT	104,458	0	212,928
CHARLTON	0	0	1,585,440
CHATHAM	532,284	0	185,172
CHELMSFORD	7,440,307	2,535,342	3,722,180
CHELSEA	44,127,092	3,396,864	6,712,895
CHESHIRE	269,956	0	688,189
CHESTER	89,800	0	219,501
CHESTERFIELD	87,945	0	168,518
CHICOPEE	39,917,521	1,195,616	12,875,772
CHILMARK	0	0	4,582
CLARKSBURG	1,491,068	13,114	432,260
CLINTON	9,908,530	175,517	2,710,934
COHASSET	1,552,631	166,099	468,094
COLRAIN	0	0	310,583
CONCORD	1,788,314	383,959	1,045,180
CONWAY	569,433	0	218,000
CUMMINGTON	41,166	0	101,456
DALTON	177,549	0	1,232,841
DANVERS	3,957,823	1,118,972	2,383,985
DARTMOUTH	9,149,719	0	3,090,028
DEDHAM	3,524,055	1,550,298	2,482,673
DEERFIELD	920,952	0	588,227
DENNIS	0	0	667,364
DIGHTON	0	0	851,735
DOUGLAS	6,966,367	0	891,302
DOVER	448,199	0	235,777
DRACUT	15,009,207	0	4,290,188
DUDLEY	0	0	1,888,107
DUNSTABLE	0	30,076	253,795
DUXBURY	3,127,346	0	1,087,538
EAST BRIDGEWATER	10,037,234	0	1,830,270
EAST BROOKFIELD	105,264	0	330,941
EAST LONGMEADOW	4,616,186	0	1,766,653

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution
EASTHAM	271,645	0	182,616
EASTHAMPTON	7,246,465	108,874	3,335,028
EASTON	8,115,511	0	2,679,163
EDGARTOWN	379,680	28,507	53,694
EGREMONT	0	0	77,296
ERVING	283,645	13,150	69,372
ESSEX	0	33,828	267,121
EVERETT	23,168,687	4,084,357	4,434,150
FAIRHAVEN	7,147,073	391,434	2,380,222
FALL RIVER	90,065,583	2,290,951	27,001,554
FALMOUTH	4,646,659	0	1,699,587
FITCHBURG	38,857,303	214,811	10,238,447
FLORIDA	473,569	0	60,898
FOXBOROUGH	7,467,990	0	1,826,396
FRAMINGHAM	10,628,154	4,697,500	7,557,866
FRANKLIN	25,494,597	0	3,021,144
FREETOWN	1,236,264	0	1,164,825
GARDNER	18,638,594	120,747	5,061,766
AQUINNAH	0	0	2,848
GEORGETOWN	4,067,937	52,998	824,959
GILL	0	0	259,945
GLOUCESTER	5,678,696	1,923,054	3,004,352
GOSHEN	72,297	0	97,451
GOSNOLD	16,648	1,962	641
GRAFTON	6,583,500	0	1,911,630
GRANBY	3,818,112	0	1,079,257
GRANVILLE	1,307,669	0	195,141
GREAT BARRINGTON	0	0	930,647
GREENFIELD	9,054,173	0	3,883,946
GROTON	0	0	939,545
GROVELAND	0	0	779,771
HADLEY	667,691	138,341	419,142
HALIFAX	2,423,716	0	1,111,847
HAMILTON	0	42,887	744,868
HAMPDEN	0	0	764,821
HANCOCK	184,299	17,638	51,583
HANOVER	5,345,783	1,326,394	1,288,617

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution
HANSON	30,063	0	1,437,463
HARDWICK	8,596	3,228	493,270
HARVARD	1,394,722	55,090	1,779,682
HARWICH	1,562,804	0	527,679
HATFIELD	707,251	0	381,771
HAVERHILL	33,057,731	2,503,145	9,565,361
HAWLEY	27,475	12,924	39,884
HEATH	0	0	95,301
HINGHAM	3,996,893	334,151	1,606,448
HINSDALE	80,464	0	259,650
HOLBROOK	4,533,288	4,757	1,806,380
HOLDEN	0	0	2,095,744
HOLLAND	792,435	0	246,159
HOLLISTON	6,258,872	412,300	1,490,322
HOLYOKE	65,099,227	606,646	11,818,770
HOPEDALE	5,621,974	0	797,688
HOPKINTON	5,364,504	120,287	839,794
HUBBARDSTON	0	0	487,597
HUDSON	5,923,344	0	2,442,532
HULL	3,756,143	1,388,549	1,232,908
HUNTINGTON	144,631	0	403,493
IPSWICH	2,232,902	775,432	1,204,484
KINGSTON	3,382,518	0	1,173,911
LAKEVILLE	2,301,087	0	998,981
LANCASTER	0	0	1,015,583
LANESBOROUGH	598,920	0	423,018
LAWRENCE	123,087,075	190,699	23,874,868
LEE	1,676,639	0	762,488
LEICESTER	9,273,246	0	2,127,054
LENOX	1,149,223	72,146	584,604
LEOMINSTER	33,951,319	11,693	6,988,649
LEVERETT	239,065	0	218,817
LEXINGTON	5,848,476	0	1,876,266
LEYDEN	0	0	98,930
LINCOLN	575,119	292,012	546,644
LITTLETON	1,818,491	164,924	706,463
LONGMEADOW	3,906,490	0	1,706,932

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution
LOWELL	111,660,607	6,340,746	24,601,241
LUDLOW	10,575,871	0	3,724,781
LUNENBURG	3,921,700	0	1,295,240
LYNN	103,751,349	9,477,523	18,084,277
LYNNFIELD	2,275,909	362,288	917,435
MALDEN	34,874,624	5,586,730	9,878,824
MANCHESTER	0	0	273,033
MANSFIELD	13,879,268	725,040	2,009,312
MARBLEHEAD	3,990,936	39,403	1,357,230
MARION	375,835	0	276,448
MARLBOROUGH	7,207,775	2,728,327	3,971,938
MARSHFIELD	13,627,416	202,756	2,457,248
MASHPEE	4,145,104	0	446,639
MATTAPOISETT	497,698	0	497,588
MAYNARD	2,382,686	586,886	1,346,778
MEDFIELD	5,113,751	744,614	1,042,026
MEDFORD	10,733,287	6,432,448	8,206,613
MEDWAY	7,374,855	187,002	1,307,124
MELROSE	5,380,591	2,704,187	3,628,787
MENDON	6,425	0	498,814
MERRIMAC	0	0	891,989
METHUEN	33,253,977	163,026	6,496,234
MIDDLEBOROUGH	16,271,963	0	3,019,945
MIDDLEFIELD	0	0	64,636
MIDDLETON	1,325,949	126,570	540,113
MILFORD	10,882,700	0	3,739,705
MILLBURY	6,392,219	0	2,171,026
MILLIS	2,102,688	320,940	966,349
MILLVILLE	7,636	0	436,487
MILTON	3,770,098	1,245,145	2,715,374
MONROE	67,150	13,927	8,805
MONSON	7,111,941	0	1,594,296
MONTAGUE	0	0	1,544,040
MONTEREY	0	12,538	42,182
MONTGOMERY	15,666	0	100,521
MOUNT WASHINGTON	32,952	33,286	3,947
NAHANT	408,985	125,393	340,578

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution
NANTUCKET	991,187	0	96,959
NATICK	4,657,789	1,942,474	2,756,411
NEEDHAM	4,366,273	205,993	1,935,797
NEW ASHFORD	154,825	7,313	17,429
NEW BEDFORD	104,762,165	716,255	27,531,972
NEW BRAINTREE	0	0	145,340
NEW MARLBOROUGH	0	0	71,466
NEW SALEM	0	0	125,117
NEWBURY	0	0	555,628
NEWBURYPORT	3,094,664	1,380,057	1,770,274
NEWTON	10,966,835	1,377,012	5,847,561
NORFOLK	3,342,421	0	1,173,639
NORTH ADAMS	13,921,926	185,853	5,250,381
NORTH ANDOVER	4,649,317	120,549	2,385,707
NORTH ATTLEBOROUGH	19,319,443	0	3,525,524
NORTH BROOKFIELD	4,326,993	0	976,112
NORTH READING	4,917,126	945,499	1,244,112
NORTHAMPTON	6,925,716	577,922	4,814,888
NORTHBOROUGH	2,763,949	61,111	1,302,735
NORTHBRIDGE	13,322,608	3,071	2,590,732
NORTHFIELD	0	0	386,063
NORTON	12,175,056	0	2,543,776
NORWELL	2,207,571	541,079	780,856
NORWOOD	3,933,871	2,665,880	3,073,863
OAK BLUFFS	567,385	0	89,078
OAKHAM	73,893	0	234,057
ORANGE	4,961,898	2,115	1,977,177
ORLEANS	236,862	0	210,858
OTIS	0	0	44,288
OXFORD	8,877,524	0	2,520,812
PALMER	10,828,140	0	2,448,308
PAXTON	0	0	570,919
PEABODY	19,286,644	3,140,276	5,749,219
PELHAM	164,607	0	194,362
PEMBROKE	10,072,452	0	2,056,723
PEPPERELL	8,308	0	1,564,059
PERU	71,992	0	135,955

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution
PETERSHAM	403,805	0	139,758
PHILLIPSTON	0	4,386	213,184
PITTSFIELD	31,597,473	880,284	9,691,261
PLAINFIELD	30,740	0	61,244
PLAINVILLE	2,553,848	0	928,833
PLYMOUTH	18,464,636	0	4,792,155
PLYMPTON	506,035	0	290,253
PRINCETON	0	0	361,795
PROVINCETOWN	263,551	22,181	148,685
QUINCY	13,380,709	11,567,002	12,015,654
RANDOLPH	11,313,976	1,825,854	4,569,697
RAYNHAM	0	0	1,390,398
READING	7,119,890	1,534,901	2,461,971
REHOBOTH	0	0	1,147,585
REVERE	27,787,967	5,334,444	7,352,186
RICHMOND	333,845	0	132,826
ROCHESTER	1,395,317	0	519,106
ROCKLAND	9,430,825	394,336	2,852,308
ROCKPORT	1,244,121	0	535,965
ROWE	50,582	0	4,791
ROWLEY	0	114,232	548,001
ROYALSTON	0	0	196,637
RUSSELL	151,228	0	296,507
RUTLAND	9,555	0	998,712
SALEM	11,648,162	3,298,731	5,187,791
SALISBURY	0	0	773,500
SANDISFIELD	0	0	42,223
SANDWICH	6,229,598	88,406	1,288,162
SAUGUS	3,844,289	1,784,087	2,735,211
SAVOY	499,459	13,801	128,020
SCITUATE	3,965,346	875,037	1,607,467
SEEKONK	3,620,014	0	1,507,135
SHARON	6,615,618	62,495	1,652,427
SHEFFIELD	14,036	11,938	285,542
SHELBURNE	0	0	317,279
SHERBORN	392,337	20,951	244,666
SHIRLEY	4,154,632	185,558	1,422,754

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution
SHREWSBURY	15,898,949	298,861	3,107,117
SHUTESBURY	532,129	0	206,641
SOMERSET	3,559,416	0	1,874,757
SOMERVILLE	19,994,839	16,219,924	13,722,067
SOUTH HADLEY	5,867,471	20,214	3,173,547
SOUTHAMPTON	2,404,074	0	776,188
SOUTHBOROUGH	2,657,427	0	533,473
SOUTHBRIDGE	14,851,612	0	4,305,384
SOUTHWICK	0	0	1,390,432
SPENCER	41,437	0	2,397,238
SPRINGFIELD	232,799,829	1,829,496	44,382,546
STERLING	0	0	841,321
STOCKBRIDGE	0	0	122,242
STONEHAM	3,032,206	2,028,958	2,557,667
STOUGHTON	9,954,565	103,134	3,829,351
STOW	0	6,974	508,164
STURBRIDGE	1,296,467	0	947,473
SUDBURY	3,676,919	641,561	1,081,559
SUNDERLAND	853,199	0	617,563
SUTTON	5,011,361	0	954,596
SWAMPSCOTT	2,247,430	352,328	1,237,915
SWANSEA	4,383,583	0	2,304,948
TAUNTON	41,894,411	0	10,322,474
TEMPLETON	0	0	1,483,537
TEWKSBURY	12,514,712	0	3,409,965
TISBURY	330,733	0	120,556
TOLLAND	0	9,864	10,785
TOPSFIELD	946,951	253,284	501,895
TOWNSEND	8,090	0	1,428,965
TRURO	237,454	0	36,861
TYNGSBOROUGH	6,924,797	0	1,179,149
TYRINGHAM	32,324	0	15,572
UPTON	7,349	0	599,353
UXBRIDGE	9,271,984	0	1,685,644
WAKEFIELD	4,365,403	1,438,080	2,714,232
WALES	623,689	0	288,113
WALPOLE	5,514,992	883,775	2,251,545

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution
WALTHAM	6,645,004	5,458,868	6,385,718
WARE	7,590,105	15,257	2,096,179
WAREHAM	11,620,568	0	2,430,445
WARREN	506,513	0	958,156
WARWICK	0	28,890	110,506
WASHINGTON	20,004	23,752	81,444
WATERTOWN	2,840,200	4,427,251	3,470,628
WAYLAND	2,706,784	280,373	830,764
WEBSTER	8,162,458	62,006	2,971,922
WELLESLEY	3,765,942	96,838	1,494,079
WELLFLEET	134,999	0	71,840
WENDELL	0	25,534	179,008
WENHAM	0	139,794	386,306
WEST BOYLSTON	2,737,047	67,754	905,694
WEST BRIDGEWATER	1,739,647	47,212	755,272
WEST BROOKFIELD	237,766	0	580,664
WEST NEWBURY	0	0	344,207
WEST SPRINGFIELD	15,272,061	0	4,368,789
WEST STOCKBRIDGE	0	0	119,333
WEST TISBURY	0	182,434	44,299
WESTBOROUGH	3,129,366	145,058	1,270,967
WESTFIELD	31,901,309	0	7,682,345
WESTFORD	12,975,693	895,514	1,716,670
WESTHAMPTON	341,741	0	177,092
WESTMINSTER	0	0	787,130
WESTON	1,790,526	0	458,341
WESTPORT	4,191,901	0	1,494,508
WESTWOOD	2,588,559	36,263	857,639
WEYMOUTH	21,059,789	2,424,084	8,314,524
WHATELY	172,888	0	163,294
WHITMAN	126,825	0	2,568,143
WILBRAHAM	0	0	1,637,493
WILLIAMSBURG	401,047	0	371,091
WILLIAMSTOWN	927,943	0	1,169,507
WILMINGTON	4,787,473	1,254,452	1,805,824
WINCHENDON	10,353,509	25,366	2,030,858
WINCHESTER	3,582,999	344,404	1,474,745
WINDSOR	30,997	28,020	92,851

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution
WINTHROP	4,843,961	2,287,531	2,921,294
WOBURN	5,154,156	3,586,952	3,801,532
WORCESTER	167,480,913	11,809,090	39,228,845
WORTHINGTON	70,458	0	153,044
WRENTHAM	3,631,096	0	1,142,645
YARMOUTH	0	0	1,545,499
DEVENS	328,000	0	0
Municipality Total	**2,929,536,087**	**378,517,988**	**920,028,283**

Regional School	7061-0008 Chapter 70
ACTON BOXBOROUGH	4,715,036
ADAMS CHESHIRE	9,810,525
AMHERST PELHAM	9,689,857
ASHBURNHAM WESTMINSTER	9,391,438
ASSABET VALLEY	2,733,990
ATHOL ROYALSTON	17,084,514
BERKSHIRE HILLS	2,737,903
BERLIN BOYLSTON	851,501
BLACKSTONE MILLVILLE	10,509,983
BLACKSTONE VALLEY	5,972,403
BLUE HILLS	3,600,320
BRIDGEWATER RAYNHAM	19,665,067
BRISTOL COUNTY	2,513,280
BRISTOL PLYMOUTH	8,086,042
CAPE COD	1,951,441
CENTRAL BERKSHIRE	8,092,876
CHESTERFIELD GOSHEN	711,347
CONCORD CARLISLE	1,704,025
DENNIS YARMOUTH	6,521,044
DIGHTON REHOBOTH	12,078,498
DOVER SHERBORN	1,273,362
DUDLEY CHARLTON	22,188,433
ESSEX COUNTY	3,882,285
FARMINGTON RIVER	389,406
FRANKLIN COUNTY	3,134,152

Regional School	7061-0008 Chapter 70
FREETOWN LAKEVILLE	6,832,785
FRONTIER	2,746,608
GATEWAY	5,817,025
GILL MONTAGUE	6,225,637
GREATER FALL RIVER	12,983,299
GREATER LAWRENCE	20,447,178
GREATER LOWELL	19,430,653
GREATER NEW BEDFORD	20,279,884
GROTON DUNSTABLE	10,590,960
HAMILTON WENHAM	3,269,343
HAMPDEN WILBRAHAM	10,257,652
HAMPSHIRE	2,676,375
HAWLEMONT	620,085
KING PHILIP	6,788,148
LINCOLN SUDBURY	2,197,525
MANCHESTER ESSEX	1,511,536
MARTHAS VINEYARD	2,820,735
MASCONOMET	4,773,155
MENDON UPTON	10,852,173
MINUTEMAN	2,248,003
MOHAWK TRAIL	6,034,784
MONTACHUSETT	10,543,502
MOUNT GREYLOCK	1,699,377
NARRAGANSETT	9,493,985
NASHOBA	5,871,972
NASHOBA VALLEY	2,023,465
NAUSET	3,298,923
NEW SALEM WENDELL	635,233
NORFOLK COUNTY	777,426
NORTH MIDDLESEX	19,658,038
NORTH SHORE	1,577,696
NORTHAMPTON SMITH	875,377
NORTHBORO SOUTHBORO	2,352,980
NORTHEAST METROPOLITAN	6,463,689
NORTHERN BERKSHIRE	3,877,986
OLD COLONY	2,935,912
OLD ROCHESTER	1,701,522
PATHFINDER	4,079,757

Regional School	7061-0008 Chapter 70
PENTUCKET	13,099,037
PIONEER	4,031,666
QUABBIN	16,510,059
QUABOAG	7,991,217
RALPH C MAHAR	4,764,288
SHAWSHEEN VALLEY	3,739,284
SILVER LAKE	6,060,844
SOUTH MIDDLESEX	2,366,025
SOUTH SHORE	3,132,493
SOUTHEASTERN	10,588,579
SOUTHERN BERKSHIRE	1,779,274
SOUTHERN WORCESTER	7,282,029
SOUTHWICK TOLLAND	7,812,889
SPENCER EAST BROOKFIELD	13,106,216
TANTASQUA	7,420,522
TRI COUNTY	4,288,313
TRITON	8,297,753
UPISLAND	806,324
UPPER CAPE COD	2,762,062
WACHUSETT	16,173,605
WHITMAN HANSON	22,380,044
WHITTIER	5,032,319
Regional Total	**575,983,953**
Chapter 70 Total	**3,505,520,040**

SECTION 4. Chapter 3 of the General Laws is hereby amended by adding the following section:-

Section 67. (a) There shall be a permanent commission on gay and lesbian youth, which shall consist of 27 persons as follows: 3 persons appointed by the Massachusetts chapter of the National Association of Social Workers, 3 persons appointed by the Massachusetts Coalition for Suicide Prevention, 2 persons appointed by the Fenway Community Health Center, 4 persons appointed by the Greater Boston Parents, Families and Friends of Lesbians and Gays, 2 persons appointed by the Massachusetts Gay and Lesbian Political Caucus, 1 person appointed by MassEquality, 1 persons appointed by the Massachusetts Teachers Association, 1 persons appointed by AFT Massachusetts, 3 persons appointed by the Massachusetts Chapter of the American Academy of Pediatrics, 2 persons

appointed by the Gay, Lesbian and Straight Education Network of Boston, 2 persons appointed by the Massachusetts Public Health Association, and 3 persons appointed by the Massachusetts Association of School Superintendents. The membership of the commission shall include at least 1 parent of a gay or lesbian person; 1 high school student; 1 college student; 1 representative from an educational institution; and 1 representative of the mental health professions. Members of the commission shall be drawn from diverse racial, ethnic, religious, age, sexual-orientation and socio-economic backgrounds from throughout the commonwealth. Members shall be considered special state employees for purposes of chapter 268A of the General Laws. The commission shall be an independent agency of the commonwealth and shall not be subject to the control of any other department or agency.

(b)(1) Members shall serve terms of 2 years and until their successors are appointed.

(2) Vacancies in the membership of the commission shall be filled by the original appointing authority for the balance of the unexpired term.

(3) Appointments shall be made in consultation with gay and lesbian organizations. Nominations shall be solicited between August 1 and November 1 of each year through an open application process using a uniform application that is widely distributed throughout the state.

(4) The commission shall elect annually from among its members a chair. The chair of the commission may designate on an annual basis 1 or more commission members as vice-chairs of the commission, and may appoint on an annual basis members of the commission as chairs of advisory committees on high school education, higher education, human services and youth. The chair of the commission may create other advisory committees as needed after consultation with the commission.

(5) The members of the commission shall receive no compensation for their services, but shall be reimbursed for any usual and customary expenses incurred in the performance of their duties.

(c) The commission shall investigate the use of resources from both the public and private sectors to enhance and improve the ability of state agencies to provide services to gay and lesbian youth. In furtherance of that responsibility, the commission shall: (1) work in partnership with the department of education and the department of public health to create school-based and community-based programs focusing on suicide prevention, violence intervention, and the promotion of zero-tolerance policies regarding harassment and discrimination against gay and lesbian youth; and (2) make recommendations about policies and programs supporting gay and lesbian youth on an ongoing basis to the department of education, the department of public health and the executive office of health and human services. The commission shall annually, on or before June 2, report the results of its findings and activities of the preceding year and make recommendations relating to the concerns of gay and lesbian youth to the governor and to the clerks of the senate and house of representatives.

(d) The powers of the commission shall include but not be limited to the following:

(1) to use voluntary and uncompensated services of private individuals, agencies and organizations that may from time to time be offered and needed; (2) to recommend policies and make recommendations to agencies and officers of the commonwealth and local subdivisions of government to effectuate the purposes of subsection (c); (3) to select an executive director and to acquire adequate staff to perform its duties, subject to appropriation; (4) to establish and maintain offices that it considers necessary, subject to appropriation; (5) to enact by-laws for its own governance; (f) to appoint members to regional chapters of the commission; and (6) to hold regular, public meetings and to hold fact-finding hearings and other public forums as it may consider necessary.

(e)(1) The commission may request from all state agencies such information and assistance as the commission may require.

(2) The commission may accept and solicit funds, including any gifts, donations, grants or bequests or any federal funds, for any of the purposes of this section. These funds shall be deposited in a separate account with the state treasurer, be received by the treasurer on behalf of the commonwealth, and be expended by the commission in accordance with law.

SECTION 5. Section 178C of chapter 6 of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Predatory" the following definition:—

"Secondary addresses", the addresses of all places where a sex offender lives, abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not a sex offender's primary address; or a place where a sex offender routinely lives, abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not a sex offender's permanent address, including any out-of-state address.

SECTION 6. Said section 178C of said chapter 6, as so appearing, is hereby further amended by inserting after the word "resides", in line 32, the following words:— , has secondary addresses.

SECTION 7. Section 178D of said chapter 6, as so appearing, is hereby amended by inserting after the word "address", in lines 12 and 13, the following words:— , any secondary addresses.

SECTION 8. Said section 178D of said chapter 6, as so appearing, is hereby further amended by inserting after the word "address", in line 38, the following words:— and any secondary addresses.

SECTION 9. Section 178E of said chapter 6, as so appearing, is hereby amended by inserting after the word "residence", in line 6, the following words:— , any anticipated secondary addresses.

SECTION 10. Said section 178E of said chapter 6, as so appearing, is hereby further amended by inserting after the word "live", in line 9, the following words:— , maintain any secondary address.

SECTION 11. Said section 178E of said chapter 6, as so appearing, is hereby further amended by inserting after the word "address", in line 29, the second time it appears, the following words:— , any secondary addresses or intended secondary addresses.

SECTION 12. Said section 178E of said chapter 6, as so appearing, is hereby further amended by inserting after the word "residence", in line 42, the following words:— , secondary addresses or anticipated secondary addresses.

SECTION 12A. Said section 178E of said chapter 6, as so appearing, is hereby further amended by inserting after the word "resides", in line 53, the following words:- , has any secondary addresses.

SECTION 12B. Said section 178E of said chapter 6, as so appearing, is hereby further amended by inserting after the word "address", in line 54, the following words:- , or any secondary addresses.

SECTION 13. Said section 178E of said chapter 6, as so appearing, is hereby further amended by inserting after the word "address", in line 67, the first time it appears, the following words:— , any secondary addresses or intended secondary addresses.

SECTION 14. Said section 178E of said chapter 6, as so appearing, is hereby further amended by inserting after the word "residence", in line 91, the following words:— , any anticipated secondary addresses.

SECTION 15. Said section 178E of said chapter 6, as so appearing, is hereby further amended by inserting after the word "address", in line 100, the second time it appears, the following words:— , any secondary addresses or intended secondary addresses.

SECTION 16. Said section 178E of said chapter 6, as so appearing, is hereby further amended by inserting after the word "address", in line 150, the second time it appears, the following words:— , any secondary addresses or intended secondary addresses.

SECTION 17. Said section 178E of said chapter 6, as so appearing, is hereby further amended by inserting after the word "address", in line 167, the second time it appears, the following words:— , any secondary addresses or intended secondary addresses.

SECTION 18. Said section 178E of said chapter 6, as so appearing, is hereby further amended by inserting after the word "address", in line 213, the second time it appears, the following words:— , any secondary addresses or intended secondary addresses.

SECTION 19. Said section 178E of said chapter 6, as so appearing, is hereby further amended by inserting after the word "address", in line 247, the first time it appears, the following words:— , any secondary addresses or intended secondary addresses.

SECTION 20. Said section 178E of said chapter 6, as so appearing, is hereby further amended by inserting after the word "address", in line 272, the following words:— , any secondary addresses.

SECTION 21. Section 178F of said chapter 6, as so appearing, is hereby amended by inserting after the word "address", in line 7, the second time it appears, the following words:— , any secondary addresses or intended secondary addresses.

SECTION 22. Said section 178F of said chapter 6, as so appearing, is hereby further amended by inserting after the word "address", in line 18, the first time it appears, the following words:— , any secondary addresses.

SECTION 23. Section 178F½ of said chapter 6, as so appearing, is hereby amended by striking out, in line 6, the word "works" and inserting in place thereof the following words:— has a secondary address, works.

SECTION 24. Said section 178F½ of said chapter 6, as so appearing, is hereby further amended by striking out, in line 35, the word "works" and inserting in place thereof the following words:— has a secondary address, works.

SECTION 25. Said section 178F½ of said chapter 6, as so appearing, is hereby further amended by striking out the word "works", in line 46, and inserting in place thereof the following words:— has a secondary address, works.

SECTION 26. Paragraph (1) of subsection (a) of section 178H of said chapter 6, as so appearing, is hereby amended by adding the following subparagraph:—

A person convicted under this paragraph, who has been adjudicated or convicted of any of the offenses set forth in sections 13B, 13F, 22A, 23, 24B and 26 of chapter 265 or for conspiracy to commit any of these offenses, or as an accessory thereto, or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority shall, in addition to the term of imprisonment authorized by this section, be punished by a term of community parole supervision for life, to be served under the jurisdiction of the parole board, as set forth in section 133D of said chapter 127. The sentence of community parole supervision for life shall commence immediately upon the expiration of the term of imprisonment imposed upon such person by the court or upon such person's release from probation or parole supervision or upon the expiration of a continuance without a finding or upon discharge from commitment to the treatment center pursuant to section 9 of chapter 123A, whichever first occurs.

SECTION 27. Paragraph (2) of said subsection (a) of said section 178H of said chapter 6, as so appearing, is hereby amended by adding the following subparagraph:—

Any person convicted under this paragraph who is a level 2 or level 3 offender shall, in addition to the term of imprisonment authorized by this paragraph, be punished by a term of community parole supervision for life, to be served under the jurisdiction of the parole board, as set forth in said section 133D of said chapter 127. The sentence of community parole supervision for life shall commence immediately upon the expiration of the term of imprisonment imposed upon such person by the court or upon such person's release from probation or parole supervision or upon the expiration of a continuance without a finding or upon discharge from commitment to the treatment center pursuant to section 9 of chapter 123A, whichever first occurs.

SECTION 28. Section 178J of said chapter 6, as so appearing, is hereby amended by inserting after the word "address", in line 48, the following words:— and any secondary address.

SECTION 29. Section 178K of said chapter 6, as so appearing, is hereby amended by inserting after the word "lives", in line 120, the following words:— , has a secondary address.

SECTION 30. Said section 178K, as so appearing, is hereby further amended by inserting after the word "lives", in line 133, the following words:— , has a secondary address.

SECTION 31. Said section 178K, as so appearing, is hereby further amended by inserting after the word "address", in line 149, the following words:— and any secondary addresses.

SECTION 32. Section 16 of chapter 6A of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

Notwithstanding any general or special law to the contrary, state agencies and direct and subcontracted providers of health-related services, including purchase-of-service providers financed from appropriation items for any state agency, shall maximize Title XIX and all other federal, state and private health insurance coverage available to offset costs to the commonwealth. The agencies or providers shall collect information from clients or from the parent or guardian of a minor receiving services necessary to determine the extent to which clients are eligible for medical assistance benefits under chapter 118E or are beneficiaries of any health insurance policy. The agencies or providers shall forward client information collected under this section to the executive office of health and human services and such data shall only be used to match against available databases for the purpose of identifying all sources of potential payment for health services or health insurance coverage. As required or permitted by federal law, the executive office of health and human services shall return the results of any such data matches to the originating agency or provider, which shall take the appropriate action to ensure that the costs to the commonwealth are minimized. Appropriate actions shall include, but not be limited to, the agency or provider billing or re-billing verified third-party sources of potential payment. The executive office of administration and finance may grant an agency or provider an exemption from this section for good cause. The executive office of health and human services and the operational services division shall review regulations, contracting forms, service delivery reports and uniform financial reporting requirements to determine what changes are necessary for the successful implementation of this section.

SECTION 33. The fourth paragraph of section 1 of chapter 7A of the General Laws, as so appearing, is hereby amended by striking out the last sentence.

SECTION 34. Section 35 of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in lines 14 to 18, inclusive, the words "and

(c) For the purposes of the Local Aid Fund, the net balance of the State Lottery Fund, as determined by the comptroller on every September thirtieth, December thirty-first, March thirty-first and June thirtieth of each fiscal year" and inserting in place thereof the following:-

(c) For the purposes of the Local Aid Fund, the net balance of the State Lottery Fund, as determined by the comptroller on every September thirtieth, December thirty-first, March thirty-first and June thirtieth of each fiscal year; and

(d) For the purposes of accommodating discrepancies between the receipt of revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payment expenses incurred in anticipation of revenues.

SECTION 35. Section 57 of said chapter 10, as so appearing, is hereby amended by adding the following paragraph:-

For the purposes of accommodating discrepancies between the receipt of revenues and related expenditures, the state lottery commission may incur expenses pursuant to clauses (1) and (2) and the comptroller may certify for payment such expenses incurred in anticipation of revenues.

SECTION 36. Section 2FF of chapter 29 of the General Laws is hereby repealed.

SECTION 37. As of the effective date of section 36, the comptroller shall transfer any remaining balance in the Children's and Seniors' Health Care Assistance Fund to the General Fund.

SECTION 38. Said chapter 29 is hereby further amended by striking out section 34, as appearing in the 2004 Official Edition, and inserting in place thereof the following section:-

Section 34. (a) State officers, departments, institutions and other agencies may deposit a portion of the public monies in their possession in national banks, federal savings banks, and federal savings and loan associations, lawfully doing business within the commonwealth, and in trust companies, savings banks and cooperative banks chartered under the laws of the commonwealth, as shall be designated by the state treasurer from a list of depositories prepared by him and approved at least once in 3 months by the governor and council. The state treasurer shall not include on the list a state-chartered bank having a descriptive rating of (d) or (e) under section 14 of chapter 167 or any federally insured depository institution having an assigned rating of (C) or (D) under section 807(b)(2) of the Community Reinvestment Act of 1977, 12 U.S.C. 2901 et seq.; but the aggregate balance on deposit in any one such depository institution by the state treasurer, by a state officer of funds advanced under section 23, by a state officer, department, institution or other agency of fees or other money as referred to in section 27 of chapter 30 shall not exceed, as of the close of the business each business day, 55 per cent of the depository institution's paid up capital, surplus, capital notes, and undivided profits in accordance with the records of the depository institution. The state treasurer may provide that the depository institution may receive additional deposits not to exceed 85 per cent of its paid up capital, surplus, capital notes, and undivided profits, if the additional deposits are subject to collateral approved by the state treasurer. Deposits of the proceeds from the sale of bonds and notes by the state treasurer shall not be subject to the 55 per cent limit for a period of 7 days from the date of the deposit or other credit to the account of the state treasurer. All certificates of deposit of the depository institution, whether issued directly to the state treasurer or purchased on the

open market, shall be considered deposits within the meaning of this section. For the purpose of paying the principal or interest due on any bond, note or other obligation of the commonwealth, which is payable in the city of New York or the city of Chicago, the state treasurer may keep on deposit in those cities in a national bank, federal savings bank, federal savings and loan association, trust company, savings bank, savings and loan association, building and loan association, cooperative bank, industrial bank or other depository institution chartered and regulated under the laws of the federal government or the states of New York and Illinois, the deposits of which are insured by the Federal Deposit Insurance Corporation, approved for the purpose by the governor and council, a sum not exceeding in the aggregate $25,000; provided, that for a period of 7 days before the date of the payment, the amount may be increased by a sum sufficient to cover the same.

(b) A state treasurer who knowingly makes a deposit in violation of subsection (a) shall be guilty of misconduct and mal-administration in his office within the meaning of the constitution, any other officer who knowingly makes a deposit in violation of subsection (a) shall be guilty of misconduct and mal-administration in his office, and a depository institution knowingly receiving a deposit in violation of subsection (a) shall be disqualified from receiving such monies for the period of 3 years from the date of the deposit.

(c) All interest received on any deposits under this section shall be paid to the commonwealth.

SECTION 39. Section 34A of said chapter 29 is hereby repealed.

SECTION 40. Section 38 of said chapter 29, as appearing in the 2004 Official Edition, is hereby amended by adding the following 4 subdivisions:-

(l) In shares of beneficial interest issued by money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940, as amended, operated in accordance with section 270.2a-7 of Title 17 of the Code of Federal Regulations, that have received the highest possible rating from at least 1 nationally recognized statistical rating organization. The purchase price of shares of beneficial interest purchased pursuant to this section shall not include a commission charged by the money market funds.

(m) In any other security that qualifies for inclusion in a fund operated in accordance with section 270.2a-7 of Title 17 of the Code of Federal Regulations, as amended.

(n) In investment agreements or guaranteed investment contracts rated, or with a financial institution whose senior long-term debt obligations are rated, or guaranteed by a financial institution whose senior long-term debt obligations are rated, at the time the agreement or contract is entered into, in 1 of the 2 highest rating classifications by a nationally recognized rating service if the agreements or contracts do not exceed 1 year in duration.

(o) In investment agreements with a corporation whose principal business is to enter into the agreements if: the corporation and the investment agreements of the corporation are each rated in 1 of the 2 highest rating classifications by a nationally-recognized rating service; the commonwealth has an option to terminate each agreement in the event that the

rating is downgraded below the 2 highest rating classifications; and the agreements or contracts do not exceed 1 year in duration.

SECTION 41. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting after clause Forty-first C the following clause:-

Forty-first C½, Real property, of an amount equal to 5 per cent of the average assessed value of all Class one parcels within the city or town of the principal residence of a taxpayer as used by the taxpayer for income tax purposes of a person who has reached his seventieth birthday before the beginning of the fiscal year for which an exemption is sought and occupied by the person as his domicile, or of a person who owns the same jointly with his spouse, either of whom has reached his seventieth birthday before the beginning of the fiscal year for which an exemption is sought and occupied by them as their domicile, or of a person who has reached his seventieth birthday before the beginning of the fiscal year for which an exemption is sought who owns the same jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile if: (A) the person: (1) has been domiciled in the commonwealth for the preceding 10 years; (2) has owned and occupied the real property or other real property in the commonwealth for 5 years, or (3) is a surviving spouse who inherits the real property and has occupied this real property in the commonwealth for 5 years and who otherwise qualified under this clause; and (B) the taxpayer's gross receipts from all sources do not exceed the dollar amount calculated to be the income limits on a taxpayer's total income for a single individual who is not the head of a household for the purposes of paragraph (3) of subsection (k) of section 6 of chapter 62 for the most recently completed state tax year, as determined by the commissioner of revenue.

A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption contained in this clause by: (1) increasing the amount of the exemption to as much as 20 per cent of the average assessed value of all Class one parcels within the city or town; (2) reducing the requisite age of eligibility to any person age 65 years or older; and (3) reducing the residency requirements to not less than 5 years.

This clause shall take effect in any city or town that votes to accept its terms at the next regularly scheduled municipal election for any fiscal year commencing on or after July 1, 2006. The question appearing on the official ballot shall be in the following form:

"Shall section ___ of the acts of ____ granting real estate property tax reductions to qualifying senior citizens be accepted?"

If a majority of the votes cast in answer to this question is in the affirmative, the clause shall take effect, but not otherwise.

In those cities and towns that accept this clause, clauses Forty-first, Forty-first B and Forty-first C shall not apply but any amount of money annually appropriated by the commonwealth for the purpose of reimbursing cities and towns for taxes abated under this clause, clause Forty-first, clause Forty-first B and clause Forty-first C shall be distributed as provided in said clause Forty-first.

SECTION 42. Paragraph (a) of Part B of section 3 of chapter 62 of the General

Laws, as most recently amended by section 5 of chapter 163 of the acts of 2005, is hereby further amended by adding the following subparagraph:-

(15) Amounts expended by an individual for tolls paid for through a Fast Lane account or for weekly or monthly transit commuter passes for Massachusetts Bay Transit Authority transit, bus, commuter rail or commuter boat, not including amounts reimbursed by an employer or otherwise. In the case of a single person or a married person filing a separate return or a head of household, this deduction shall apply only to the portion of the expended amount that exceeds $150, and the total amount deducted shall not exceed $750. In the case of a married couple filing a joint return, this deduction shall apply only to the portion of the amount expended by each individual that exceeds $150, and the total amount deducted shall not exceed $750 for each individual. The commissioner of revenue shall adopt regulations necessary for the implementation of this section.

SECTION 43. Section 2 of chapter 70B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 68 and 69, the words "grant representing the commonwealth's total contribution" and inserting in place thereof the following words:- total grant with respect.

SECTION 44. Section 3 of said chapter 70B, as so appearing, is hereby amended by inserting after the word "grants", in line 6, the following words:-and loans.

SECTION 45. The fifth paragraph of said section 3 of said chapter 70B, as so appearing, is hereby amended by striking out clause (r) and inserting in place thereof the following clause:-

(r) disburse amounts due to cities, towns and regional school districts under grants approved by the authority to finance or refinance costs of approved school projects and, in conjunction therewith, finance or refinance the local share of costs of these projects, through the purchase of bonds, notes or other evidences of local indebtedness, at the rates and on the terms that the authority may in its discretion determine, and provide for the payment of all costs of the authority, including professional and financial services incident to the conduct of its operations;

SECTION 46. Said chapter 70B is hereby further amended by inserting after section 3D the following section:-

Section 3E. In addition to other remedies of the authority under any bond, note or other evidence of indebtedness, if at any time any amount is distributable or payable by the commonwealth to any city, town or regional school district, and a sum is due to the authority from that city, town or regional school district, for any cause whatsoever, the sum due to the authority, as certified by the authority to the state treasurer, shall be deducted by the state treasurer from the amount distributable or payable to the city, town or regional school district and shall be paid promptly to the authority. Payment by the state treasurer under this section shall continue to be made until the deficiency on the part of the city, town or regional school district has been offset by the payments from the state treasurer. The authority may also recover from that city, town or regional school district, in an action in superior court, any a-

mount due the authority, together with any other actual damages the authority shall have sustained from the failure or refusal of that city, town or regional school district to make payments owing to the authority.

SECTION 47. Said chapter 70B is hereby further amended by striking out section 7, as appearing in the 2004 Official Edition, and inserting in place thereof the following section:-

Section 7. There shall be a limit on the estimated amount of grants approved by the authority during a fiscal year. For fiscal year 2008, the limit shall be $500,000,000. For each fiscal year thereafter, the limit shall be the limit for the previous fiscal year plus the lower of the rate of growth in the dedicated sales tax revenue amount, as defined in subsection (a) of section 35BB of chapter 10, or 4.5 per cent.

SECTION 48. Chapter 92 of the General Laws is hereby amended by striking out section 34A, as so appearing, and inserting in place thereof the following section:-

Section 34A. The executive director of the office of travel and tourism, in this section called the executive director, may receive and hold in trust for the commonwealth, exempt from taxation, any instrument of value, including but not limited to any gift or bequest of money or other personal property, and any grant or devise of lands or rights in land for the purpose of fostering and advancing the MetroZoos zoological parks of the commonwealth, and shall administer the same in such a manner as to carry out the terms of those bequests or gifts, grants, or devises. All money and securities received hereunder shall be transferred to the state treasurer, who shall preserve and invest the proceeds thereof, in notes or bonds secured by good and sufficient mortgage or other securities. The trust property shall be known as the MetroZoos Zoological Trust and shall be used and expended under the direction of the executive director after notification to the office of travel and tourism. Subject to the terms of any grant, gift, devise, or bequest, the office of travel and tourism may expend these funds, whether principal or income.

SECTION 49. Chapter 92B of the General Laws is hereby amended by striking out section 1, as so appearing, and inserting in place thereof the following section:-

Section 1. As used in this chapter, the following words shall, unless the context requires otherwise, have the following meanings:-

"Board", the board of directors of the Commonwealth Zoological Corporation.

"Corporation", the Commonwealth Zoological Corporation.

"Executive director", the executive director of travel and tourism.

"Member", a member of the board of directors of the Commonwealth Zoological Corporation.

"Office", the office of travel and tourism.

"Society", the Boston Zoological Society.

"Zoos", Franklin Park Zoo and Walther D. Stone Memorial Zoo.

SECTION 50. Section 2 of said chapter 92B, as so appearing, is hereby amended by striking out, in lines 3, 4, 10 and 12, the word "commission" and inserting in place thereof, in each instance, the following word:- office; and by inserting after the word "the",

in line 6, the following word:— executive.

SECTION 51. Section 4 of said chapter 92B, as so appearing, is hereby amended by striking out, in line 6, the word "division" and inserting in place thereof the following word:- office.

SECTION 52. Section 5 of said chapter 92B, as so appearing, is hereby amended by striking out, in lines 10 and 11, the word "commissioner" and inserting in place thereof the following words:- executive director.

SECTION 53. Chapter 111 of the General Laws is hereby amended by inserting after section 4L the following section:-

Section 4M. The department of public health shall make available to all veterans, physicians, other health care providers, and other persons at high risk for hepatitis C, educational materials, in written and electronic forms, on the diagnosis, treatment, and prevention of hepatitis C. The materials shall include the recommendations of the Centers for Disease Control, and any other person or entity having knowledge on hepatitis C, including the American Liver Foundation, and shall be written in terms which are understandable by members of the general public.

SECTION 54. Section 52 of chapter 111 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following definition:-

"Rural hospital", an acute-care hospital as defined in section 25B and licensed under this chapter, which: (1) has been designated by the department as a rural hospital based on bed size, city or town population, and population density of the city, town, service area or county as determined by the department through regulation; or (2) a hospital currently designated as a critical access hospital by the United States Department of Health and Human Services in accordance with federal regulations and state requirements.

SECTION 55. Section 1 of chapter 111K of the General Laws, as so appearing, is hereby amended by striking out, in line 11, the figure "18" and inserting in place thereof the following figure:- 21

SECTION 56. Section 5 of said chapter 111K, as so appearing, is hereby amended by striking out, in line 24, the figure "3" and inserting in place thereof the following figure:- 5.

SECTION 57. Chapter 115A of the General Laws is hereby amended by inserting after section 10 the following section:-

Section 10A. (a) The commandant of the Soldiers' Home in Massachusetts may establish a program for the education and training of practical nurses and promulgate regulations to govern the program. The commonwealth may provide the education and training at no cost to the program participants, apart from fees and uniforms. A participant completing the education and training program and licensed as a practical nurse by the board of registration in nursing shall be required to obtain employment as a practical nurse at a state-operated facility for 2,000 hours on either a full-time or part-time basis as specified by the commandant, or as determined by the appointing authority of the state facility where the

person becomes employed. Program participants shall be required to sign an agreement acknowledging either their work commitment to the commonwealth or, in lieu of completing a work commitment, their obligation to repay the cost of the education and training program to the Soldiers' Home in Massachusetts.

(b) If a participant who has completed the education and training program, and is licensed by the board as a practical nurse, fails to complete the employment requirement or any portion thereof, or fails to repay any of the costs thereof, the remaining contractual obligation between the Soldiers' Home and the participant shall be charged against the participant. The commandant shall, in his discretion, determine the names of those defaulting on their obligations in the training and education program and report those names, addresses and license numbers to the board of registration in nursing. The commandant shall notify those he has determined to be in default that he has initiated proceedings that could result in the suspension or revocation of their licenses. The commandant shall also initiate an action to suspend or revoke the nursing license of each defaulting participant before the division of administrative law appeals. The division shall schedule an adjudicatory hearing under section 10 of chapter 30A within 30 days of receipt of the commandant's notice and shall notify the commandant and the licensee that they have the right to a full and fair hearing on the matter. For purposes of the hearings, the commandant's written representation, executed under the pains and penalties of perjury, with supporting documentation, to the division establishing that a participant is in default of his obligation shall be prima facie evidence of default. The commandant shall notify the board of registration in nursing of the final written decision of the division of administrative law appeals. If the division finds the license should be suspended or revoked, the board of registration in nursing shall, within 15 days of receipt of the finding, suspend or revoke the license. Within 30 days of receipt of notice of the final decision of the division or, if a petition for rehearing has been timely filed with the division, within 30 days after receipt of notice of the division's denial of the petition for rehearing, an aggrieved party may file for judicial review in superior court pursuant to section 14 of said chapter 30A.

(c) A license that has been suspended or revoked under this section shall not be reinstated or renewed until the commandant notifies the board of registration in nursing that the participant is in good standing with respect to all costs or employment commitments to the commonwealth. Upon that notice, the board may reissue or renew the individual's license.

(d) Notwithstanding subsections (a), (b) and (c), the board of registration in nursing may take additional actions or sanctions against the individual as provided by law and regulation.

SECTION 58. Section 21A of chapter 118E of the General Laws, as so appearing is hereby amended by inserting after the word "computation", in lines 15 and 16, the following words:- ; provided, however, that the division shall establish the maximum community

spouse resource allowance permissible under 42 U.S.C. s.1396r-5(f)(2).

SECTION 59. Section 1 of chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, under the caption " *Essex* ", the second paragraph.

SECTION 60. Said section l of said chapter 218, as so appearing, is hereby further amended by striking out, under the caption "*Essex*", the fourth paragraph and inserting in place thereof the following paragraph:-

The district court of eastern Essex, held at Gloucester; Essex, Gloucester, Hamilton, Ipswich, Rockport, and Wenham.

SECTION 61. Said section l of said chapter 218, as so appearing, is hereby further amended by striking out, under the caption "*Essex*", the seventh paragraph and inserting in place thereof the following paragraph:-

The district court of Newburyport, held at Newburyport; Amesbury, Ipswich, Merrimac, Newbury, Newburyport, Rowley, Salisbury, Topsfield and West Newbury; the central district court of northern Essex exercising concurrent jurisdiction in West Newbury.

SECTION 62. Paragraph (a) of section 12 of chapter 372 of the acts of 1984, is hereby amended by striking out the fifth sentence, as most recently amended by section 216 of chapter 149 of the acts of 2004, and inserting in place thereof the following sentence:- The aggregate principal amount of all bonds issued under authority of this act shall not exceed $6,100,000,000 outstanding at any 1 time; provided, however, that bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued shall be excluded in the computation of outstanding bonds.

SECTION 63. Section 16 of said chapter 372 is hereby amended by striking out the fourth sentence, as most recently amended by section 217 of said chapter 149, and inserting in place thereof the following sentence:- The aggregate principal amount of all bonds issued under the authority of this act shall not exceed $6,100,000,000 outstanding at any 1 time; provided, however, that bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued shall be excluded in the computation of outstanding bonds.

SECTION 64. Section 2A of chapter 101 of the acts of 1999 is hereby amended by striking out item 1599-1499, as amended by section 1 of chapter 47 of the acts of 2003, and inserting in place thereof the following item:-

1599-1499 For a one-time grant to the city of Quincy for the purpose of facilitating the conversion of Quincy Hospital from ownership by the city of Quincy to ownership by a private, nonprofit corporation; provided, that the proceeds of the grant shall be used by the city for the costs associated with the conversion including, but not limited to, obligations of the hospital to the city for employee benefits and for any indebtedness incurred by the city on behalf of the hospital; provided further, that the city, in collaboration with the corporation, shall file annually

with the secretary of administration and finance and with the secretary of health and human services, the house and senate committees on ways and means and the joint committee on health care finance a report delineating the benchmarks and milestones established by the corporation to achieve financial viability and the status of the corporation in achieving those benchmarks and milestones, including changes in patient volume and payer mix, the establishment and maintenance of community benefits by the corporation and the results of affiliations with other health care providers and health care entities; and provided further, that the report shall be filed not later than the January 1 following the end of each hospital fiscal year from 2000 to 2006, inclusive ..... $12,100,000.

SECTION 65. Item 2100-7993 of section 2 of chapter 238 of the acts of 2000 is hereby amended by adding the following words:- ; and provided further, that not less than $100,000 shall be expended as a reimbursement to the Eileen Patricia Sullivan Roche Foundation.

SECTION 66. Item 9110-0100 of section 2 of chapter 177 of the acts of 2001 is hereby amended by striking out, in lines 42 to 90, inclusive, the words "the provisions of any general or special law to the contrary, there is hereby established a special commission to study the future of long-term health care in the commonwealth and the status and needs of the long-term care workforce; provided further, that said commission shall be charged with evaluating options and making policy recommendations that can be used to develop legislation that will address the health care needs of elders age 60 and older; provided further, that said commission shall consist of the following members: 7 members of the senate, 1 of whom shall be appointed by the minority leader of the senate; 7 members of the house of representatives, 1 of whom shall be appointed by the minority leader of the house of representatives; the secretary of health and human services or his designee; the director of the department of housing and community development or her designee; the attorney general or his designee; the secretary of elder affairs or her designee; the commissioner of health care finance and policy or his designee; the commissioner of insurance or her designee; the director of labor and workforce development or his designee; the commissioner of education or his designee; the director of the Commonwealth Corporation or his designee; a representative of a labor organization representing long-term care workers; the Massachusetts Council of Home Care Aide Services and the commissioner of medical assistance or her designee; 1 representative from each of the following organizations: Mass Aging, Mass Home Care, the Alzheimer's Association, the Massachusetts Extended Care Federation, the American Association of Retired Persons, the Medicare Advocacy Project, the Home and Health Care Association of Massachusetts, the Massachusetts Assisted Living Facilities Association, the Mass Senior Action Council, Massachusetts Association of Older Americans, the Paraprofessional HealthCare Institute, the Massachusetts Chapter of the National

Alliance of Caregivers, Health Care For All, the Massachusetts chapter of the National Association of Insurance and Financial Agents, the Citizen's Housing and Planning Association, and the Gerontology Institute at the University of Massachusetts at Boston; a representative of the insurance industry who has experience in the insurance markets affecting long-term care who shall be appointed by the governor; and a representative of the business community who shall be appointed by the governor; provided further, that the members shall elect a chairperson of said commission who shall be 1 of the legislative members of the commission; and provided further, that the commission shall meet until the end of fiscal year 2003 and shall release its first recommendations to the house and senate committees on ways and means no later than July 31, 2002" and inserting in place thereof the following words:- any general or special law to the contrary, there shall be a special commission to study the aging population and the future of long-term care; provided further, that the commission shall evaluate options and make policy recommendations that can be used to develop legislation to address the health care, housing and pension needs of elders age 60 and older, as well as the status and needs of the long-term care workforce; provided further, that the commission shall examine eligibility requirements for Medicaid and MassHealth for long-term care, including potential savings to the commonwealth, by adjusting income requirements and asset requirements and the look-back period; provided further, that the commission shall also examine ways to market long-term care insurance and provide incentives to people to purchase long-term care insurance including, but not limited to, proposed legislative and executive actions; provided further, that the commission shall consist of the following members: the secretary of elder affairs or her designee, who shall serve ex officio; the chairman of the public employee retirement administration commission or his designee, who shall serve ex officio; a representative of a labor organization representing long-term care workers; 1 representative from each of the following organizations: the Massachusetts Council of Home Care Aide Services, Mass Aging, Mass Home Care, the Alzheimer's Association, the Massachusetts Extended Care Federation, the American Association of Retired Persons, the Medicare Advocacy Project, the Home and Health Care Association of Massachusetts, the Massachusetts Assisted Living Facilities Association, the Mass Senior Action Council, the Massachusetts Association of Older Americans, the Paraprofessional HealthCare Institute, the Massachusetts chapter of the National Alliance of Caregivers, Health Care For All, the Massachusetts chapter of the National Association of Insurance and Financial Advisors, the Massachusetts Association of Health Underwriters and the Gerontology Institute at the University of Massachusetts at Boston; and a representative of the Massachusetts chapter of the National Academy of Elder Law Attorneys; and 2 persons to be appointed by the governor, 1 of whom shall be a representative of the insurance industry who has experience in the insurance markets affecting long-term care and 1 of whom shall be a representative of the business community; provided further, that the members shall elect a chairperson of the commission; and provided further, that the commission shall release its first recommendations to the house and senate committees on ways and means not later than December 31, 2006.

SECTION 67. Chapter 177 of the acts of 2001 is hereby amended by striking out section 80 by inserting in place thereof the following section:-

Section 80. Section 7A shall take effect on June 30, 2008.

SECTION 68. Item 2000-2013 of section 2 of chapter 236 of the acts of 2002 is hereby amended by striking out the figure "$23,000,000", inserted by section 226 of chapter 149 of the acts of 2004, and inserting in place thereof the following figure:- $31,250,000.

SECTION 69. Item 2000-2014 of said section 2 of said chapter 236 is hereby amended by striking out the figure "$22,162,714" and inserting in place thereof the following figure:- $32,162,714.

SECTION 70. Item 2000-2017 of said section 2 of said chapter 236 is hereby amended by striking out the figure "$20,000,000" and inserting in place thereof the following figure:- $23,000,000.

SECTION 71. Item 2000-2019 of said section 2 of said chapter 236 is hereby amended by striking out the figure "$3,450,000" and inserting in place thereof the following figure:- $4,450,000.

SECTION 72. Item 2000-2021 of said section 2 of said chapter 236 is hereby amended by striking out the figure "$9,000,000" and inserting in place thereof the following figure:- $11,000,000.

SECTION 73. Item 2100-2016 of section 2 of chapter 236 of the acts of 2002 is hereby amended by striking out the figure "$9,057,000" and inserting in place thereof the following figure:- $14,057,000.

SECTION 74. Item 2300-2010 of said section 2 of said chapter 236 is hereby amended by striking out the figure "$20,000,000" and inserting in place thereof the following figure:- $25,000,000.

SECTION 75. Item 2300-2015 of said section 2 of said chapter 236 is hereby amended by striking out the figure "$3,625,000" and inserting in place thereof the following figure:- $4,625,000.

SECTION 76. Item 2300-2016 of said section 2 of said chapter 236 is hereby amended by striking out the figure "$3,500,000" and inserting in place thereof the following figure:- $8,500,000.

SECTION 77. Item 2440-2017 of said chapter 236 is hereby amended by striking out the figure "$16,780,000" and inserting in place thereof the following figure:- $19,780,000.

SECTION 78. Item 2500-2012 of said section 2 of said chapter 236 is hereby amended by striking out the figure "$52,680,000" and inserting in place thereof the following figure:- $62,680,000.

SECTION 79. Item 2500-2014 of said section 2 of said chapter 236 is hereby amended by striking out the figure "$1,025,000" and inserting in place thereof the following figure:- $2,025,000.

SECTION 80. Section 3 of said chapter 236 is hereby amended by striking out, in line 4, the figure "$707,372,514" and inserting in place thereof the following figure:- $763,372,514.

SECTION 81. Section 4 of chapter 245 of the acts of 2002 is hereby amended by striking out, in line 4, the figure "$762,328,784" and inserting in place thereof the following figure:- $768,828,784.

SECTION 82. Section 417 of chapter 149 of the acts of 2004 is hereby amended by striking out, in line 2, the figure "2007" and inserting in place thereof the following figure:- 2009.

SECTION 83. Chapter 208 of the acts of 2004 is hereby amended by inserting after section 56 the following section:-

Section 56A. (a) A city, town or regional school district may request, in writing not later than August 31, 2006, that the authority remove a project on the list pursuant to section 45 and may request that a portion of the authority's anticipated grant for the project be applied to another project on the list pursuant to said section 45 that is within the same city, town, or regional school district as the project being removed. Approval of the request shall be at the sole discretion of the authority.

(b) A project being so removed from the list shall:

(1) not have started construction before application to the authority for removal of a project from the waiting list;

(2) not be eligible to receive reimbursement from the authority for any costs that may have been incurred for the project prior to its removal from the list;

(3) not be eligible to receive reimbursement for interest on short or long term notes or bonds for the project; and

(4) submit a plan to the authority that demonstrates the city, town or regional district will be adequately able to accommodate a displaced school program or service and a plan for accommodating district students within remaining school buildings.

(c) A project on the list, for which funds may be reallocated in the sole discretion of the authority, shall meet the following criteria:

(1) the project shall have begun construction after January 1, 2005;

(2) the project shall have overall project costs that are in excess of the maximum allowable costs, as determined by the authority, and the excess costs are not related to changes in project scope;

(3) reallocated costs shall only be used to reimburse approved, eligible costs, as determined by the authority.

(4) the city, town or regional school district shall agree to work with the authority in a value engineering exercise to determine viable options to reduce the overall cost of the project;

(5) the city, town or regional school district shall have multiple projects on the list submitted pursuant to said section 45;

(6) the project on the list for which funds may be reallocated, at the sole discretion of the Authority, shall be within the same city, town or regional school district as the project being removed;

(7) the city, town or regional school district shall have submitted all audit materials for any other projects for which the audit materials have been requested by the authority; and

(8) the city, town or regional school district shall have executed a project funding agreement with the Authority for any project on the list that has not completed construction.

(d) The authority shall have sole discretion in determining the portion of grant, if any, which may be reallocated to another project. Funds that may be reallocated in the sole discretion of the authority to another project shall only be used to cover approved, eligible costs that are in excess of the maximum allowable cost that are not related to changes in project scope. Reimbursements may be made under the existing grant program, as determined by the authority. In no instance shall reimbursement rates for any project for which reallocated funds are distributed to by the authority, exceed the reimbursement rates pursuant to clause (iii) of said section 45. Any funds that may be allocated by the authority, shall not be used for interest or costs related to any indebtedness, or for any expenditure that is considered to be ineligible by the authority. A project removed from the list pursuant to said section 45 shall no longer be eligible for a portion of the grant and shall have no entitlement to funds for the project in the future. A project removed from the list may apply to the authority for funding after July 1, 2007 and shall be subject to the laws, rules and regulations governing school building construction in place at the time of application.

SECTION 84. Item 6033-0417 of section 2A of chapter 291 of the acts of 2004 is hereby amended by inserting after the word "projects", in line 3, the following words:- ; provided, that the amounts specified in this item for a particular project identified in this item may be adjusted in order to facilitate other projects relating to the design, construction, repair and improvements to nonfederally-aided roadway projects, for projects relating to the nonparticipating portion of federally aided projects, for federal aid projects and for projects relating to the interstate federal aid highway system; provided further, that the department shall notify the house and senate committees on ways and means and the joint committee on transportation of any such adjustments; provided further, that notwithstanding this item to the contrary, funds may be expended from this item for federal aid projects, and for projects relating to the interstate federal aid highway system; provided further that the comptroller may make such adjustments in the Massachusetts management accounting and reporting system as shall be necessary to fulfill the purposes of this item; provided further that the comptroller shall notify the house and senate committees on ways and means and the joint committee on transportation of any such adjustments.

SECTION 85. The last paragraph of section 36 of chapter 45 of the acts of 2005 is hereby amended by striking out the words "April 30, 2006" and inserting in place thereof the following words:— December 31, 2006.

SECTION 86. Chapter 175 of the acts of 2005 is hereby amended by inserting after section 7 the following 2 sections:-

Section 7A. Notwithstanding any general or special law to the contrary, the subsidized catastrophic prescription drug insurance program established in section 39 of chapter 19A of the General Laws shall provide coverage for a 1-time supply of prescribed medications in the amount prescribed, up to a 30 day supply, between July 1, 2006 and December 31, 2006 to enrollees who are also eligible for Medicare prescription drug coverage, and who have not already received a 1-time supply under section 4 of this chapter. After an enrollee exhausts the availability of the 1-time 30-day supply of a medication under this section or section 4, or after December 31, 2006, the program shall provide coverage, free of charge, for a 1-time, 72-hour supply of the medication. Both the 30-day supply and the 72-hour supply shall be available in all instances in which the pharmacist cannot bill a Medicare prescription drug plan at the time the prescription is presented. Any co-pay or deductible that would have been charged to the enrollee under section 39 of chapter 19A shall apply to the 1-time 30 day supply.

Section 7B. Notwithstanding any general or special law to the contrary, the secretary of health and human services, in consultation with the director of Medicaid, shall authorize MassHealth payment for a 1-time supply of prescribed medications in the amount prescribed, up to a 30-day supply, between July 1, 2006 and December 31, 2006 to beneficiaries under chapter 118E of the General Laws who are also eligible for Medicare prescription drug coverage and who have not already received a 1-time supply under section 5. After a beneficiary exhausts the availability of the 1-time, 30-day supply of a medication under this section or section 5, or after December 31, 2006, MassHealth shall provide coverage, free of charge, for a 1-time, 72-hour supply of the medication. Both the 30-day supply and the 72-hour supply shall be available in all instances in which the pharmacist cannot bill a Medicare prescription drug plan at the time the prescription is presented. Any co-pay or deductible that would have been charged to the beneficiary under MassHealth shall apply to the 1-time, 30-day supply. In the event that the Medicare prescription drug plan covers the prescribed medication at the time the prescription is presented but charges a co-pay or deductible in excess of what would have been charged to the beneficiary under MassHealth, MassHealth shall pay the excess amount and the beneficiary shall pay what would be payable under MassHealth.

SECTION 87. The last sentence of the second paragraph of section 3 of chapter 2 of the acts of 2006 is hereby amended by inserting after the word "mortgagee" the following words:- and shall expire on December 31, 2016.

SECTION 88. Section 140 of chapter 58 of the acts of 2006 is hereby amended by striking out the words "and 103" and inserting in place thereof the following words:- 103 and 128.

SECTION 89. Section 145 of said chapter 58 is hereby amended by striking out the words ", 127, and 128," and inserting in place the following words:- and 127.

SECTION 90. Notwithstanding any special or general law to the contrary, the executive office of health and human services may promulgate regulations allowing any dentist participating in the MassHealth program to limit the number of MassHealth patients

in his practice in accordance with standards or procedures to be established by the executive office of health and human services.

SECTION 91. Notwithstanding any general or special law to the contrary, the comptroller shall transfer on or before October 1, 2006, the greater of $30 million or one-twelfth of the total expenditures to be made to hospitals and community health centers under chapter 58 of the acts of 2006 from the General Fund to the Uncompensated Care Trust Fund, established under section 18 of chapter 118G of the General Laws, for the purpose of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2006. These payments shall be made, without further appropriation, to hospitals in anticipation of the payment by hospitals of their gross liability to the Uncompensated Care Trust Fund. The comptroller shall transfer from the Uncompensated Care Trust Fund to the General Fund, not later than June 30, 2007, the amount of the transfer authorized in this section, and any allocation of that amount, as certified by the commissioner of the division of health care finance and policy.

SECTION 92. Notwithstanding any general or special law to the contrary, the executive office of health and human services and the division of health care finance and policy shall take any appropriate action to obtain the maximum amount of federal financial participation available for amounts paid to hospitals, determined by the division to be disproportionate share hospitals in accordance with Title XIX requirements, for free care costs of those hospitals. Appropriate action may include, but shall not be limited to, the assessment on hospitals for their liability to the uncompensated care pool under chapter 118G of the General Laws. Appropriate action shall include the establishment or renewal of an interdepartmental services agreement between the executive office and the division which may authorize the division to make deposits into and payments from an account established for the purposes of this section within the Uncompensated Care Trust Fund, established by section 18 of said chapter 118G, or authorize the division of health care finance and policy to transfer uncompensated care fee revenue collected from hospitals under said chapter 118G or funds otherwise made available to the trust fund by the general court, to the executive office for the purposes of making disproportionate share adjustment payments to hospitals qualifying for those payments in accordance with the commonwealth's Title XIX state plan and relevant provisions of Title XIX. The executive office may expend amounts transferred to it from the Uncompensated Care Trust Fund by the division under these interdepartmental services agreement without further appropriation. In no event shall the amount of money assessed upon each hospital exceed the hospital's gross liability to the Uncompensated Care Trust Fund as determined by the division under said section 18 of said chapter 118G of the General Laws. Any federal funds obtained as a result of these actions shall be deposited in the General Fund. The offices of the state treasurer and the comptroller shall establish procedures that may be necessary to effectuate this section, including procedures to facilitate the expeditious assessment, collection and expenditure of funds under this section.

SECTION 93. (a) Notwithstanding any general or special law to the contrary, in fiscal year 2007, the division of health care finance and policy, referred to in this section as

the division, shall establish nursing facility Medicaid rates, payable out of the Health Care Quality Improvement Trust Fund, established under section 2 EEE of chapter 29 of the General Laws, effective July 1, 2006 through June 30, 2007 that cumulatively total $288,500,000 more than the annual payment rates established by the division under the rates in effect as of June 30, 2002, as mandated under section 1 of chapter 42 of the acts of 2003. The division shall adjust per diem rates to reflect any reductions in Medicaid utilization. Payments from the fund shall be allocated in the following manner in fiscal year 2007:

(1) effective July 1, 2006, an annual amount of $99,000,000 in the aggregate to fund the use of 2000 base year cost information for rate determination purposes; provided, that $9,000,000 of this amount shall be expended for purposes of reimbursing nursing facilities for up to 10 bed hold days for patients of the facility on medical and non-medical leaves of absence;

(2) effective July 1, 2006, an annual amount of $122,500,000 for enhanced payment rates to nursing homes;

(3) effective July 1, 2006, an annual amount of $50,000,000 to fund a rate add-on for wages, hours and benefits and related employee costs of direct care staff of nursing homes. As a condition for such a rate add-on, the division shall require that each nursing home document to the division that such funds are spent only on direct care staff by increasing the wages, hours and benefits of direct care staff, increasing the facility's staff-to-patient ratio, or by demonstrably improving the facility's recruitment and retention of nursing staff to provide quality care, which shall include expenditure of funds for nursing facilities which document actual nursing spending that is higher than the median nursing cost per management minute in the base year used to calculate Medicaid nursing facility rates. A facility's direct care staff shall include all nursing personnel including registered nurses, licensed practical nurses, and certified nurses' aides hired by the facility from any temporary nursing agency or nursing pool registered with the department of public health. The division shall credit wage increases that are over and above any previously collectively bargained wage increases. In monitoring compliance for this rate add-on, the division's regulations shall adjust any spending compliance test to reflect any Medicaid nursing facility payment reductions, including, but not limited to, rate reductions imposed on or after October 1, 2002. The expenditure of these funds shall be subject to audit by the division in consultation with the department of public health and the executive office of health and human services. In implementing this section, the division shall consult with the Nursing Home Advisory Council;

(4) effective July 1, 2006, an annual amount of $17,000,000 (a) to fund rate adjustments for reasonable capital expenditures by nursing homes, giving priority to nursing homes located or constructed in under-bedded areas as determined by said executive office, in consultation with the division, that meet quality standards established by the executive office of health and human services in conjunction with the department of public health and the division for the purposes of encouraging the upgrading and maintenance of quality of care in nursing homes; and (b) to fund rate adjustments to eligible nursing homes that meet

utilization standards established by the executive office of health and human services in consultation with the division for the purpose of reducing unnecessary nursing home admissions and facilitating the return of nursing home residents of non-institutional settings. To the extent that the annual amount of $17 million in this clause is not fully allocated, the division shall first provide operating or capital rate adjustments for publicly operated, urban and geographically-isolated nursing homes;

(5) $300,000 for the purposes of an audit of funds distributed under clause (3). The division, in consultation with the department of public health and with the assistance of the executive office of health and human services, shall establish penalties sufficient to deter noncompliance to be imposed against any facility that expends any or all monies in violation of clause (3), including but not limited to recoupment, assessment of fines or interest. The division shall report to the house and senate committees on ways and means not later than October 1, 2007 a preliminary analysis of funds expended under this subsection in fiscal year 2006 and a description and timeline for auditing of these funds;

(6) $250,000 to fund expenses of the division related to the implementation and administration of section 25 of chapter 118G of the General Laws; and

(7) an amount sufficient to implement section 622 of chapter 151 of the acts of 1996;

(b) The comptroller shall transfer from the Health Care Security Trust Fund to the Health Care Quality Improvement Trust Fund on the first business day of each quarter, the amount indicated by the division and the executive office of health and human services to provide the appropriate rate increases to nursing homes; and provided further, that any additional funds that may become available in the Health Care Quality Improvement Trust Fund due to decreased Medicaid utilization shall first fund a per-diem rate add-on for large Medicaid providers as specified in 114.2 CMR 6.06 (10) (a), as in effect on September 1, 2003 and then fund further enhanced rates to nursing homes.

SECTION 94. Notwithstanding any general or special law to the contrary and notwithstanding a member's coverage type or enrollment in a managed care organization, the division shall provide coverage for all emergency ambulance calls which result in a transport and shall provide coverage for all medically-necessary, non-emergency ambulance and wheelchair van trips; provided, that medical necessity for non-emergency ambulance service shall be established by the completion of a medical necessity form signed by a physician, physician's designee, physician assistant, nurse midwife, dentist, nurse practitioner, managed care representative or registered nurse. The member's record shall support the information given on the medical necessity form. The transportation provider shall be responsible for the completeness of medical necessity forms. The completed medical necessity form shall be kept by the transportation provider as a record for 4 years after the date of service.

SECTION 95. (a) Notwithstanding any general or special law to the contrary, the comptroller, in consultation with the secretary of health and human services, shall develop a schedule for transferring not less than $38,000,000 from the General Fund to the Essential Community Provider Trust Fund established under section 2 PPP of chapter 29 of the General Laws for the purpose of making payments to hospitals and community health centers

in fiscal year 2007. The secretary shall authorize expenditures from the fund without further appropriation for the purpose of a grant program to improve and enhance the ability of hospitals and community health centers to serve populations in need, more efficiently and effectively, including, but not limited to, the ability to provide community-based care, clinical support, care coordination services, disease management services, primary care services and pharmacy management services through a grant program. The office shall consider applications from acute hospitals, non-acute hospitals, and community health centers in awarding the grants; but, the office shall publicize the existence of the grant program to eligible providers and shall award grants no later than September 1, 2006. The criteria for selection shall include, but not be limited to, the following:

(1) financial performance measures including negative operating margins, insufficient cash flow, technical bond default and the uncertain ability to cover long-term obligations, as well as potential for loss of critical community services;

(2) the percentage of patients with mental or substance abuse disorders served by a provider;

(3) the numbers of patients served by a provider who are chronically ill, elderly, or disabled, provided that in the case of a community health center, that preference be given to the provision of a Program of All-Inclusive Care for the Elderly;

(4) the payer mix of the provider, with preference given to acute hospitals where a minimum of 63 percent of the acute hospital's gross patient service revenue is attributable to Title XVIII and Title XIX of the federal Social Security Act or other governmental payors, including reimbursements from the Uncompensated Care Pool;

(5) the percentage of total annual operating revenue that received funding in fiscal years 2005 and 2006 from the Distressed Provider Expendable Trust Fund comprised for the provider;

(6) the cultural and linguistic challenges presented by the populations served by the provider;

(7) a documented critical need for investment in information technology such as Computerized Physician Order Entry systems but without access to capital to finance such investments; and

(8) the provision by a community health center of 24 hour emergency services.

(b) The secretary may further authorize distributions on an emergency basis to acute hospitals, non-acute hospitals and community health centers facing extreme financial distress or closure upon petition from the provider. The emergency funds shall be distributed by the secretary within 2 weeks of petition by a provider that is determined to be facing extreme financial distress or closure at an amount determined by the secretary.

SECTION 96. Notwithstanding any general or special law to the contrary, section 35J of chapter 10 of the General Laws shall not apply in fiscal year 2007.

SECTION 97. Notwithstanding any general or special law to the contrary, the division of health care finance and policy and the secretary of health and human services shall verify any surplus community health center free care funds from fiscal years 2005 and

2006 within the Uncompensated Care Trust Fund established in section 18 of chapter 118G of the General Laws. The comptroller shall, in consultation with the division and the secretary, develop a schedule for transferring those funds to the General Fund not later than October 1, 2006 to defray the cost associated with community health center Medicaid rate increases authorized pursuant to item 4000-0700 of section 2.

SECTION 98. Notwithstanding any general or special law to the contrary, during fiscal year 2007, the comptroller shall transfer from the Health Care Security Trust, established under chapter 29D of the General Laws, to the General Fund an amount equal to 100 per cent of the total of all payments received by the commonwealth in fiscal year 2007 under the master settlement agreement in the action known as Commonwealth of Massachusetts v. Phillip Morris, Inc. et. al., Middlesex Superior Court, No. 95-7378 and 50 per cent of the earnings generated in fiscal year 2007 from the Health Care Security Trust as certified by the comptroller under paragraph (f) of section 3 of chapter 29D of the General Laws for certain health care expenditures appropriated in section 2.

SECTION 99. Notwithstanding any general or special law to the contrary, effective July 1, 2006 for fiscal year ending June 30, 2007, nursing facility rates established by the division of health care finance and policy shall be based upon 2002 calendar year costs.

SECTION 100. In hospital fiscal year 2007, the office of the inspector general may continue to expend funds appropriated in chapter 240 of the acts of 2004 from the Uncompensated Care Trust Fund for the costs associated with maintaining a pool audit unit within said office. The unit shall continue to oversee and examine the practices in all Massachusetts ' hospitals including, but not limited to, the care of the uninsured and the resulting free care charges. The inspector general shall submit a report to the house and senate committees on ways and means on the results of the audits and any other completed analyses not later than March 1, 2007. For the purposes of the audits, allowable free care services shall be as provided in chapter 118G of the General Laws and any applicable regulations.

SECTION 101. Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the state treasurer, the secretary of administration and finance and the secretary of health and human services, develop a schedule for transferring not less than $597,100,000 from the General Fund to the Commonwealth Care Trust Fund. This schedule shall make the transfers in increments considered appropriate to meet the cash flow needs of the General Fund and the Commonwealth Care Trust Fund. The transfers shall not begin before July 1, 2006 and shall be completed on or before June 30, 2007.

SECTION 102. Not later than 10 days after the effective date of this act, the comptroller shall transfer $2,000,000 from the General Fund to the Affordable Housing Trust Fund established by chapter 121D of the General Laws, and notwithstanding any general or special law to the contrary, said funds shall be used as grants or low-interest loans solely to reduce the price paid by purchasers of affordable homeownership units built with other state and federal housing production resources, and provided further that such funds shall be expended

for down payment assistance and technical assistance for the purchase and preservation of multi-family housing developments which are or were subject to final payment, prepayment or termination of a state or federally assisted mortgage or which has received or currently receives assistance and such assistance is expiring under any of the following programs:— (1) Section 8 of the United States Housing Act of 1937, as amended, 42 U.S.C. Section 1437f; as it applies to new construction, substantial rehabilitation, moderate rehabilitation, property disposition and loan management set-aside programs, or any other program providing project-based rental assistance; (2) Section 42 of the Internal Revenue Code, as amended, 26 U.S.C. Section 42, the federal Low-Income Housing Tax Credit Program; (3) Section 101 of the Housing and Urban Development Act of 1965, as amended, 12 U.S.C. Section 1701s as it applies to programs for rent supplement assistance thereunder; (4) Section 202 of the Housing Act of 1959, as amended, 12 U.S.C. Section 1701q; (5) Section 221(d)(3) of the National Housing Act of 1934, as amended, 12 U.S.C. Section 17151(d)(3) or (5), the below market interest rate program; (6) Section 221(d)(4) of the National Housing Act, as amended, 12 U.S.C. Section 17151(d)(4), to the extent the project's rents are regulated pursuant to a government agreement; (7) Section 236 of the National Housing Act, as amended 12 U.S.C. Section 1715z-1; (8) Section 515 of the Housing Act of 1949, as amended, 42 U.S.C. Section 1485; (9) Section 521 of the Housing Act of 1949, as amended, 42 U.S.C. Section 1490a; (10) the federal Urban Development Action Grant, "UDAG", as amended, 42 U.S.C. Section 5318, to the extent project's rents are regulated pursuant to a government agreement; (11) The federal Housing Development Action Grant, "HODAG" as amended, 42 U.S.C. Section 1437o, to the extent project's rents are regulated pursuant to a government agreement; (12) Chapter 121A of the General Laws, to the extent project's affordability of dwelling units is regulated; or (13) Section 13A of chapter 708 of the acts of 1966.

SECTION 103. Notwithstanding any general or special law to the contrary, on or before June 30, 2007, the comptroller shall transfer $550,000,000 from the Commonwealth Stabilization Fund, established under section 2H of chapter 29 of the General Laws, to the General Fund.

SECTION 104. There shall be a special commission, to consist of 13 persons, 1 of whom shall be the house chair of the joint committee on public service who shall serve as co-chair of the commission, 1 of whom shall be appointed by the house co-chair upon the approval of the other commission members, who shall have professional expertise in the area of healthcare financing, 1 of whom shall be the senate chair of the joint committee on public service who shall also serve as co-chair of the commission, 1 of whom shall be appointed by the senate co-chair upon the approval of the other commission members who shall have professional expertise in the area of public employee benefits, 1 of whom shall be the house chair of the joint committee on health care financing, 1 of whom shall be the senate chair of the joint committee on healthcare financing, the president of the Massachusetts AFL -CIO or his designee, the president of the Massachusetts Teachers Association or his designee, the

president of the Massachusetts SEIU or his designee, the president of the Retired State County and Municipal Employees Association of Massachusetts or his designee, the executive director of the group insurance commission, and 1 person to be appointed by the governor, for the purpose of making an investigation and study relative to review public employee health benefits. The commission shall consider the range of benefits that are or should be provided as well as the current and anticipated future cost of providing them. The commission shall consider and may make recommendations on how best to divide the costs between the commonwealth. The commission shall also study the operation and structure of the group insurance commission.

The commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerks of the senate and the house of representatives on or before February 1, 2007.

SECTION 105. Notwithstanding any general or special laws to the contrary, there shall be a special commission to make an investigation and study of the impact of 1) single- and multi-specialty ambulatory surgical centers and 2) medical diagnostic or therapeutic services rendered in conjunction with innovative services and new technology as defined by the department of public health, on the health care delivery system, cost of health insurance, Medicaid costs, and uncompensated care, provided that the study shall consider a range of such facilities and services, including hospital-owned, physician-owned, and investor-owned. The study shall include a cost-benefit analysis, and shall also examine the effect of such facilities on access to health services, and the impact on the provision of hospital-based services.

The commission shall consist of 16 members, 1 of whom shall be the secretary of health and human services or his designee, 1 of whom shall be the commissioner of the department of public health or his designee, 1 of whom shall be the director of the office of Medicaid or his designee, 1 of whom shall be the senate chair of the joint committee on health care financing, 1 of whom shall be the house chair of the joint committee on health care financing, 1 representative from the Massachusetts Hospital Association, 1 representative from the Massachusetts Association of Community Hospitals, 1 representative from the Massachusetts Medical Society, 1 representative from the Massachusetts Radiological Society, 1 representative of the Massachusetts Association of Ambulatory Surgical Centers, 1 of whom shall represent Fallon Clinic, 1 of whom shall represent Harvard Vanguard Medical Associates, 1 representative from the Massachusetts Association of Health Plans, 1 representative from Blue Cross Blue Shield of Massachusetts, a health care economist appointed by the speaker of the house of representatives and a health care economist appointed by the president of the senate. The commission shall be co-chaired by the senate and house chairpersons of the joint committee on health care financing.

The commission shall meet no later than October 1, 2006, and file a report, with recommended legislation, with the clerks of the senate and the house of representatives no later than July 1, 2007.

SECTION 106. Notwithstanding any general or special law to the contrary, in order to maintain the fiscal viability of the subsidized catastrophic prescription drug insurance program, hereinafter referred to as the "prescription advantage program", authorized by section 39 of chapter 19A of the General Laws, cost sharing required of enrollees in the form of co-payments, premiums, and deductibles, or any combination thereof, may be adjusted by the department of elder affairs to reflect price trends for outpatient prescription drugs, as determined by the secretary of elder affairs. The secretary shall not implement such cost sharing increases required of enrollees in the form of co-payments, premiums, and deductibles or any combination thereof, unless the executive office has given 90 days notice to the general court and has received approval of the proposed plan from a majority of the general court. In addition to the eligibility requirements set forth in said section 39 of chapter 19A, to be considered eligible for the prescription advantage program, individuals who receive Medicare and are applying for, or are then enrolled in, the prescription advantage program shall also be enrolled in a Medicare prescription drug plan, a Medicare Advantage prescription drug plan, or in a plan which provides creditable prescription drug coverage as defined by section 104 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, hereinafter referred to as " MMA," and which provides coverage of the cost of prescription drugs actuarially equal to or better than that provided by Medicare Part D, hereinafter a "creditable coverage" plan.

In addition to the eligibility requirements set forth in said section 39 of chapter 19A, to be considered eligible for the prescription advantage program, individuals who receive Medicare and are applying for, or are then enrolled in, the prescription advantage program, who may qualify for the low-income subsidy, so-called, provided under the MMA Subpart P - Premiums and cost-sharing subsidies for low-income individuals, shall apply for those subsidies. To the extent permitted by MMA and regulations promulgated thereunder, and all other applicable federal law, the prescription advantage program may apply on behalf of a member for enrollment into a Medicare prescription drug plan or for the low-income subsidy provided under MMA and may receive information about the member's eligibility and enrollment status necessary for the operation of the prescription advantage program.

For enrollees who qualify for enrollment in a Medicare Part D plan, the prescription advantage program will provide a supplemental source of financial assistance for prescription drug costs, hereinafter referred to as "supplemental assistance" in lieu of the catastrophic prescription drug coverage provided pursuant to said section 39 of chapter 19A. The prescription advantage program will provide supplemental assistance for premiums, deductibles, payments, and co-payments required by a Medicare prescription drug plan or Medicare Advantage prescription drug plan, and will provide supplemental assistance for deductibles, payments and co-payments required by a creditable coverage plan. The department shall establish the amount of the supplemental assistance it will provide enrollees based on a sliding income scale and the coverage provided by the enrollees' Medicare prescription drug plan, Medicare Advantage prescription drug plan, or creditable coverage plan.

In addition to the eligibility requirements set forth in section 39 of chapter 19A, to be considered eligible for the prescription advantage program, an individual must have a household income of less than 500 per cent of the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

Residents of the commonwealth who are not eligible for Medicare will continue to be eligible for the prescription advantage program pursuant to said section 39 of chapter 19A.

SECTION 107. Notwithstanding any general or special law to the contrary, the president of the university of Massachusetts, upon the recommendation of the chancellor of the Worcester campus that resources are available from the unrestricted non-appropriated revenues received by said campus from the license agreements and services it provides to third parties, may make a payment to the General Fund of an amount representing all or part of the support provided by the commonwealth for the fringe benefits of university employees paid from state appropriated funds as such were determined for the Worcester campus for the fiscal years 1993 and 1994 under the September 22, 1992 memorandum of understanding between the secretary of administration and finance and said chancellor. These amounts may include support of the benefits provided by the state retirement system and/or the group insurance commission. The president shall notify the comptroller of the university's commitment to make such payments, and these payments shall become obligations of the university upon notification.

SECTION 108. Notwithstanding any general or special law to the contrary, the president of the university of Massachusetts, upon the recommendation of the chancellor of the Worcester campus that resources are available from the unrestricted non-appropriated revenues received by said campus for the services it provides to third parties, may make a payment to the General Fund of an amount representing all or part of the capital appropriations made available to the university by the commonwealth in the prior fiscal year. The president shall notify the comptroller of the university's commitment to make such payments, and such payments shall become obligations of the university upon such notification.

SECTION 109. Notwithstanding any general or special law to the contrary, the executive office of health and human services under section 16 of chapter 6A of the General Laws, acting in its capacity as the single state agency under Title XIX of the Social Security Act, and other federally assisted programs administered by the secretariat, and as the principal agency for all of the agencies within the secretariat, may enter into interdepartmental services agreements with the university of Massachusetts medical school to perform activities that the secretary, in consultation with the comptroller, determines are appropriate and within the scope of the proper administration of Title XIX and other federal funding provisions to support the programs and activities of the executive office. These activities shall include: (1) providing administrative services, including, but not limited to, activities such as providing the medical expertise to support or administer utilization management activities, determining eligibility based on disability, supporting case management activities

and similar initiatives; (2) providing consulting services related to quality assurance, program evaluation and development, integrity and soundness and project management; and (3) providing activities and services for the purpose of pursuing federal reimbursement or avoiding costs, third party liability and recouping payments to third parties. Federal reimbursement for any expenditures made by the university of Massachusetts medical school relative to federally reimbursable services the university provides under these interdepartmental service agreements or other contracts with the executive office of health and human services shall be distributed to the university. The secretary may negotiate contingency fees for activities and services related to the purpose of pursuing federal reimbursement or avoiding costs, and the comptroller shall be directed to certify these fees and pay them upon the receipt of this revenue, reimbursement or demonstration of costs avoided. The secretary shall not pay contingency fees in excess of $40,000,000 for state fiscal year 2007. The secretary of health and human services shall submit to the secretary of administration and finance and the senate and house committees on ways and means a quarterly report detailing the amounts of the agreements, the ongoing and new projects undertaken by the university, the amounts spent on personnel and the amount of federal reimbursement and recoupment payments that the university collected.

SECTION 110. Notwithstanding any general or special law to the contrary, the state office of pharmacy services at the department of public health, in this section called SOPS, shall conduct a cost-benefit analysis comparing the cost of each county and state sheriff's current pharmacy services arrangements with the cost of comparable services provided by SOPS. Each county and state sheriff shall provide all data and information requested by SOPS no later than August 15, 2006 for the purpose of conducting the cost-benefit analysis. County and state sheriffs, through the executive office of public safety, shall request a proposal from SOPS when engaging in negotiations, renegotiations, or bids for pharmacy services. County and state sheriffs, through the executive office of public safety, shall enter into interagency service agreements with SOPS for the provision of pharmacy services when the SOPS proposal is more cost-effective than other providers and when SOPS determines that it would be able to provide appropriate services.

SECTION 111. Notwithstanding any general or special law to the contrary, the board of higher education shall work with the operational services division to implement an equipment maintenance pilot program in the state colleges to create savings in state warranty agreements, including but not limited to, warranty agreements on information technology, printers, facsimile machines, copiers, telecommunication equipment, mail machines and other hardware.

SECTION 112. Notwithstanding any general or special law to the contrary, in the event that any district attorney fails to comply with reporting language relevant to the use of drug forfeiture funds, inserted in line items 0340-0100, 0340-0200, 0340-0300, 0340-0400, 0340-0500, 0340-0600, 0340-0700, 0340-0800, 0340-0900, 0340-1000, and 0340-1100 of section 2 of this act, the house and senate committees on ways and means shall notify the state comptroller of such failure to comply. A district attorney may request in writing a rea-

sonable extension of the reporting period from the house and senate committees on ways and means. If such an extension is requested, the house and senate committees on ways and means shall not notify the state comptroller of a failure to comply with the reporting requirement until the extension period has elapsed. Upon said notification, the state comptroller shall make available to the victim witness protection board, established by section 2 of chapter 263A of the General Laws, the balance of said district attorney's special law enforcement trust fund, established pursuant to section 47 of chapter 94C of the General Laws, and any additional money transferred into said trust fund after the reporting date.

SECTION 113. Notwithstanding paragraph (a) of subsection (xxiii) of section 9 of chapter 211B of the General Laws, or any other general or special law to the contrary, the chief justice for administration and management may, from the effective date of this act through April 30, 2007, transfer funds from any item of appropriation within 1 of the 7 departments of the trial court to any other item of appropriation of the 7 departments. These transfers shall be made in accordance with schedules submitted to the house and senate committees on ways and means. The schedule shall include the following: (1) the amount of money transferred from 1 item of appropriation to another; (2) the reason for the necessity of the transfer; and (3) the date on which the transfer is to be completed. No transfer under this section shall occur until 10 days after the revised funding schedules have been submitted in written form to the house and senate committees on ways and means.

SECTION 114. Notwithstanding any general or special law to the contrary, the bridge located on Aiken street in the city of Lowell shall be designated and known as the Joseph R. Ouellette Bridge. The department of highways shall erect a suitable marker bearing this designation in compliance with the standards of the department.

SECTION 115. That portion of the Everett route 16 ramp, from Santili circle to General Sweetzer circle shall be designated and known as Krystyl's Way, in memory of Krystyl Poirier who prematurely and tragically lost her life on Saturday, April 8, 2006. A suitable marker bearing such designation shall be attached thereto by the department of public works in compliance with the standards of the department.

SECTION 116. Notwithstanding any general or special law to the contrary, for the purpose of developing an innovative and kosher skilled nursing facility in the city of Chelsea, the Chelsea Nursing Home, which has been designated to develop an urban, Greenhouse Program nursing home facility in the city of Chelsea, is hereby granted a determination of need for 100 new skilled nursing facility beds; provided, that the construction of the beds shall be assigned a maximum capital expenditure consistent with the Greenhouse Program, as determined by the department of public health, and shall be entitled to reimbursements for such capital expenditures as determined by the division of health care finance and policy.

SECTION 117. Notwithstanding chapter 81A of the General Laws or any other general or special to the contrary, the term of the member of the Massachusetts Turnpike Authority that expires in July 2006 shall be extended until January 15, 2007.

SECTION 118. The Massachusetts Turnpike Authority shall give priority status to

the design and construction of sound barrier projects which abut recent road widening activity.

SECTION 119. Notwithstanding any general or special law to the contrary, for fiscal years 2007 and thereafter, the total amount of lottery proceeds allocated for distribution to cities and towns shall be determined under section 35 of chapter 10 of the General Laws.

SECTION 120. Notwithstanding any general or special law to the contrary, pension benefits formerly funded through item 0612-2000 of section 2 of chapter 26 of the acts of 2003 shall be funded from the Pension Reserves Investment Trust Fund, established under subdivision (8) of section 22 of chapter 32 of the General Laws. The state treasurer shall report to the house and senate committees on ways and means not later than November 15, 2006 on the benefits funded under this section. This report shall list the amount of benefit received by each individual through this funding in fiscal year 2006 and the amount of benefit projected to be received by each individual through this funding in fiscal year 2007.

SECTION 121. The amounts transferred pursuant to paragraph (1) of section 22C of chapter 32 of the General Laws shall be made available for the commonwealth's Pension Liability Fund established under section 22 of chapter 32 of the General Laws. The amounts transferred pursuant to said paragraph (1) of said section 22C of said chapter 32 shall meet the commonwealth's obligations under said section 22C of said chapter 32, including retirement benefits payable by the state employees' and the state teachers' retirement systems, for the costs associated with a 3 per cent cost-of-living adjustment pursuant to section 102 of said chapter 32, the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to section 102 of said chapter 32, and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984. The state retirement board and each city, town, county and district shall verify the cost thereof, subject to the rules adopted by the treasurer. The treasurer may make payments upon a transfer of funds to reimburse certain cities and towns for pensions to retired teachers, including any other obligations which the commonwealth has assumed on behalf of any retirement system other than the state employees' or state teachers' retirement systems and also including the commonwealth's share of the amounts to be transferred pursuant to section 22B of said chapter 32 and the amounts to be transferred pursuant to clause (a) of the last paragraph of section 21 of chapter 138 of the General Laws. All payments for the purposes described in this section shall be made only pursuant to distribution of monies from the fund, and any distribution and the payments for which distributions are required shall be detailed in a written report filed quarterly by the commissioner of administration with the house and senate committees on ways and means and the joint committee on public service in advance of such distribution. Such distributions shall not be made in advance of the date on which a payment is actually to be made. The state retirement board may expend an amount for the purposes of the higher education coordinating council's optional retirement program pursuant to section 40 of chapter 15A of the General Laws. To the extent that the amount transferred pursuant to said paragraph (1) of said section 22C of said chapter 32 exceeds the

amount necessary to adequately fund the annual pension obligations, the excess amount shall be credited to the Pension Reserves Investment Trust Fund of the commonwealth for the purpose of reducing the unfunded pension liability of the commonwealth.

SECTION 122. The division of capital asset management and maintenance may transfer care and custody of a parcel of vacant state-owned land in the town of Westborough for use as a location for the new facility for girls committed to the department of youth services. The exact size and boundaries of the parcel to be so transferred shall be determined by the division of capital asset management and maintenance. Transfer of the parcel shall be without consideration and shall not be subject to chapter 7 of the General Laws.

SECTION 123. The comptroller shall, in consultation with the office of the state treasurer, the executive office for administration and finance, and the executive office of health and human services, develop a schedule and make a series of transfers not to exceed $346,000,000 from the General Fund to the MassHealth provider payment account in the Medical Assistance Trust Fund.

SECTION 124. Notwithstanding any general or special law to the contrary, the division of capital asset management and maintenance shall submit a report to the house and senate committees on ways and means not later than January 15, 2007 detailing each district attorney's office use of private rental space. The report shall include, but not be limited to, the following: 1) the annual cost of leasing private space for each district attorney's office; 2) the existence and availability of any state owned space within each district attorney geographical jurisdiction that could accommodate the minimum square footage needs of the district attorney's offices; and 3) by each district attorney's office, future savings that could be achieved by relocating any district attorney's office from privately leased space to state owned space. The division shall also submit a report to the house and senate committees on ways and means not later than February 15, 2007 detailing the use of private lease space throughout the trial court. The report shall include, but not be limited to, the following: (1) the annual cost of private lease space used by the central administration office of the trial court and any department of the trial court; (2) the existence and availability of any state-owned space that could accommodate the minimum square footage demands of the central administration office of the trial court; (3) future savings that could be achieved by relocating the central administration office of the trial court to 3 Pemberton square in the city of Boston; and (4) future savings that could be achieved by relocating non-state agencies from state-owned space to accommodate the minimum square footage demands of the central administration office of the trial court.

SECTION 125. The department of education, in consultation with the department of social services, shall develop a consistent reporting method for determining the numbers of foster children and wards of the state educated in each public school district and the number of days each child is enrolled in the district. The reporting method shall be developed for use within the foundation budget calculation, as defined in section 2 of chapter 70 of the General Laws, or for use in developing a reimbursement program pursuant to section 7 of chapter 76 of the General Laws to reflect the cost of educating these students.

In developing the reporting method, the department of education, the department of social services and public school districts shall keep the names and addresses of foster children and wards of the state enrolled in a school system and the designation of the students as foster students or wards of the state confidential and shall not disclose such information except for the purposes set forth in this section.

SECTION 126. Notwithstanding any general or special law to the contrary, the corporations established pursuant to chapter 138 of the acts of 1992 and chapter 163 of the acts of 1997 shall not be considered auxiliary organizations of the university.

SECTION 127. (a) Upon the request of the board of selectmen in a town, the city council in a plan E city or the mayor in any other city, the department of revenue may recalculate the minimum required local contribution, as defined in section 2 of chapter 70 of the General Laws, in the fiscal year ending June 30, 2007. Based on the criteria in this section, the department shall recalculate the minimum required local contribution for a municipality's local and regional schools and shall certify the amounts calculated to the department of education.

(b) A city or town that used qualifying revenue amounts in a fiscal year which will not be available for use in the next fiscal year, or that will be required to use revenues for extraordinary non school-related expenses for which it did not have to use revenues in the preceding fiscal year, or that has an excessive certified municipal revenue growth factor which is also greater than or equal to 1.5 times the state average municipal revenue growth factor, may appeal to the department of revenue not later than October 1, 2006 for an adjustment of its minimum required local contribution and net school spending.

(c) If a claim is determined to be valid, the department of revenue may reduce proportionately the minimum required local contribution amount based on the amount of shortfall in revenue or based on the amount of increase in extraordinary expenditures in the current fiscal year, but no adjustment to the minimum required local contribution on account of an extraordinary expense in the budget for the fiscal year ending on June 30, 2007 shall affect the calculation of the minimum required local contribution in subsequent fiscal years. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of free cash, overlay surplus and other available funds.

(d) If, upon submission of adequate documentation, the department of revenue determines that the municipality's claim regarding an excessive municipal revenue growth factor is valid, the department shall recalculate the municipal revenue growth factor and the department of education shall use the revised growth factor to calculate the preliminary local contribution, the minimum required local contribution and any other factor that directly or indirectly uses the municipal revenue growth factor. Any relief granted as a result of an excessive municipal revenue growth factor shall be a permanent reduction in the minimum required local contribution.

(e) The board of selectmen in a town, the city council in a plan E city, the mayor in any other city, or a majority of the member municipalities of a regional school district, which

used qualifying revenue amounts in a fiscal year that will not be available for use in the next fiscal year, may appeal to the department of revenue not later than October 1, 2006 for an adjustment to its net school spending requirement. If the claim is determined to be valid, the department of revenue shall reduce the net school spending requirement based on the amount of the shortfall in revenue and reduce the minimum required local contribution of member municipalities accordingly. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of excess and deficiency, surplus and uncommitted reserves.

(f) If the regional school budget has already been adopted by two-thirds of the member municipalities then, upon a majority vote of the member municipalities, the regional school committee shall adjust the assessments of the member municipalities in accordance with the reduction in minimum required local contributions approved by the department of revenue or the department of education in accordance with this section.

(g) Notwithstanding clause (14) of section 3 of chapter 214 of the General Laws or any other general or special law to the contrary, the amounts so determined under this section shall be the minimum required local contribution described in chapter 70 of the General Laws. The department of revenue and the department of education shall notify the house and senate committees on ways and means and the joint committee on education of the amount of any reduction in the minimum required local contribution amount.

(h) If a city or town has an approved budget that exceeds the recalculated minimum required local contribution and net school spending amounts for its local school system or its recalculated minimum required local contribution to its regional school districts as provided by this section, the local appropriating authority shall determine the extent to which the community shall avail itself of any relief authorized under this section.

(i) The amount of financial assistance due from the commonwealth in fiscal year 2007 under chapter 70 of the General Laws or any other law shall not be changed on account of any redetermination of the minimum required local contribution under this section.

(j) The department of revenue and the department of education shall issue guidelines for their respective duties under this section.

SECTION 128. There shall be a special commission to make an investigation and comprehensive study of the system and process used to collect, maintain and distribute criminal offender record information (CORI) by the criminal history systems board. The commission shall consist of the co-chairs of the joint committee on judiciary, 2 members of the senate to be appointed by the senate president, 1 member of the senate to be appointed by the minority leader, 2 members of the house of representatives to be appointed by the speaker, 1 member of the house of representatives to be appointed by the minority leader, the attorney general or his designee, the commissioner of probation or his designee, the executive director of the criminal history systems board or his designee, the executive director of the Massachusetts district attorneys association or his designee, and the chief counsel of the committee for public counsel services or his designee. The co-chairs of the joint committee on judiciary shall serve as co-chairs of the commission.

The commission's study shall include, but not be limited to, a thorough review and assessment of the current system used in the processing and dissemination of CORI records, the content of CORI records and the type of information to be included or excluded from such records, and the extent to which entities and agencies, other than criminal justice agencies, are currently given or should be given access to CORI records. The commission shall also make recommendations about what restrictions, if any, should be placed on the age of any convictions and other information contained in the CORI records. The commission shall consider the need for limiting or otherwise restricting CORI records to conviction data and data regarding any pending criminal charges, as well as the adequacy of the procedures that are or should be available to a person to both verify and dispute the accuracy or relevance of the CORI report. The commission shall also consider under what circumstances, if any, CORI records may be sealed or purged, and what process should be used to determine whether an individual's CORI records should be sealed or purged.

The commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect by filing them with the clerk of the senate and the clerk of the house of representatives on or before December 31, 2006. The commission may issue preliminary or interim reports to the general court before that date.

SECTION 129. Notwithstanding section 67 of chapter 3 of the General Laws, until January 1, 2007, the commission on gay and lesbian youth established by said section 67 of said chapter 3 shall consist of the members of the governor's commission on gay and lesbian youth on July 1, 2006.

SECTION 130. Section 36 shall take effect as of June 30, 2006.

SECTION 131. Section 42 shall take effect as of January 1, 2006.

SECTION 132. Except as otherwise specified, this act shall take effect as of July 1, 2006.

This bill was returned on July 8, 2006, by the Governor to the House of Representatives, the branch in which said bill was originated, with His objections in writing to the following items therein:

Items Disapproved:

SECTION 2:	1231-1000	3000-6050	4406-3010	4510-0720	4800-2025
6000-0200	7000-9507	7003-0604	70 03-0605	7007-0500	7061-0011
7080-0200	7100-0700	7114-0105	7114-0106	7511-0101	8000-0050
8000-0619	9110-1635				

SECTIONS: 4, 48, 49, 50, 51, 52, 58, 59, 60, 61, 94, 103, 104, and 129.

SECTION 2 *Items reduced in amount*

Item	Reduce by	Reduce to
0320-0003	300,000	7,238,951
0321-1510	2,313,696	117,449,609
0321-1520	846,790	7,609,723
0321-1600	500,000	8,970,424
0321-2000	149,742	603,506
0330-0300	10,000,000	121,912,460
0330-3335	17,216,360	1,790,963
0333-0700	338,946	2,268,339
0339-1001	4,184,907	124,864,935
0339-1003	341,276	5,520,767
0339-1004	2,000,000	14,199,621
0339-2100	146,208	2,164,249
0540-2500	500,000	4,332,633
0640-0010	8,000,000	2,000,000
0640-0351	500,000	1,500,000
0840-0100	133,954	462,822
1108-5100	350,000	2,718,229
1599-0093	288,900	54,618,383
1599-1970	31,000,000	25,000,000
1599-3838	100,100	9,208,706
1775-1101	224,588	75,000
2511-0105	3,000,000	9,000,000
3000-2000	501,391	11,062,688
3000-2050	464,892	917,415
3000-4050	2,971,807	160,179,275
3000-5000	1,000,000	7,500,000
3000-7070	200,000	800,000
4120-4000	353,511	10,243,975
4200-0010	182,808	5,273,400
4200-0100	363,441	23,078,206
4200-0500	750,000	2,550,000
4403-2000	3,903,358	292,652,097
4512-0103	735,000	35,653,608
4800-0041	3,500,000	232,463,159
5920-5000	2,032,330	6,467,670
7000-9401	250,000	15,480,361
7000-9402	65,000	325,000
7000-9406	203,625	1,978,550

SECTION 2 *Items reduced in amount*

Item	Reduce by	Reduce to
7000-9501	100,000	9,189,844
7000-9506	794,000	2,039,000
7004-2475	1,500,000	3,500,000
7004-9024	3,200,000	24,283,345
7004-9316	2,000,000	3,000,000
7007-0951	800,000	6,050,000
7010-0012	1,000,000	18,615,313
7061-0029	930,618	2,500,000
7061-9619	300,000	1
7100-0200	5,000,000	438,803,408
7100-0300	58,927	1,265,021
7109-0100	454,132	36,705,098
7110-0100	315,726	25,518,458
7112-0100	273,617	22,115,047
7113-0100	159,461	12,888,427
7114-0100	433,536	35,040,449
7115-0100	267,238	21,599,490
7116-0100	269,120	21,751,607
7117-0100	166,018	13,418,375
7118-0100	161,152	13,025,091
7502-0100	96,665	8,548,182
7503-0100	165,676	14,650,904
7504-0100	117,369	10,379,094
7505-0100	95,685	8,461,553
7506-0100	191,434	16,928,769
7507-0100	149,226	13,196,206
7508-0100	209,806	18,553,457
7509-0100	127,879	11,308,511
7510-0100	197,537	17,468,494
7511-0100	211,141	18,671,476
7512-0100	158,350	14,003,125
7514-0100	249,410	22,055,691
7515-0100	109,020	9,640,809
7516-0100	206,991	18,304,494
8910-0102	2,460,474	63,803,702
8910-0105	1,549,848	42,096,029
8910-0110	339,557	11,685,032
8910-0145	491,279	14,443,695

SECTION 2 *Items reduced in amount and by striking the wording*

Item	Reduce by	Reduce to	*Wording Stricken*
0521-0000	43,700	5,293,643	"; provided further, that not less than $43,700 shall be expended for the establishment of the Lawrence Election Monitoring Program"
0640-0300	1,190,949	7,459,051	"; provided further, that not less than $300,000 shall be allocated to increase the Local Cultural Council Grant Program to provide for a minimum grant of $4,000 per municipality; and provided further, that not less than $350,000 shall be expended to establish the Cultural Tourism Initiative under the Massachusetts Cultural Council, which shall provide matching funds for marketing programs created through regional or local partnerships between tourism professional and nonprofit cultural organizations through four pilot programs to be created in four different regions of the state"
1108-5200	122,944,883	853,092,760	"; provided further, that the commonwealth's share of the premiums for active state employees and their dependents shall be 85 per cent; provided further, that the commonwealth's share of the premiums for active state employees hired after June 30, 2003 and their dependents shall be 80 per cent"
2000-9900	400,000	286,415	"; provided, that $400,000 shall be expended for the development of a comprehensive statewide digital data layer of land use/land cover and related services necessary to develop this data layer"
2200-0100	1,500,000	32,530,671	"; provided further, that not less than $1,500,000 shall be expended to the town of Westford for the cleanup and remediation of number 4 fuel oil at the Abbot School located in the town of Westford"
2800-0100	100,000	5,737,218	"; provided further, that not less than $100,000 shall be expended within thirty days of receipt of said funds for the maintenance of the facility and

Item	Reduce by	Reduce to	*Wording Stricken*
			animal upkeep of the mounted unit in the Blue Hills Reservation, which are not subject to said reimbursement to the department"
			and
			"; provided further, that notwithstanding the provisions of any general or special law or administrative bulletin to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the operational services division"
			and
			"; provided further, that any employee paid from this item as of August 1, 2004, that was included in the report required from said item in chapter 149 of the acts of 2004, and any employees assigned to that item after August 1, 2004, shall not be paid from any other item of appropriation; provided further, that the department of conservation and recreation shall provide the house and senate committees on ways and means with a 30 day notice before any inter subsidiary transfers or interagency service agreements and the reason for said transfer; provided further, that the amount transferred pursuant to interagency service agreements shall not increase from fiscal year 2006"
			and
			"; provided further, that the department shall not close the Bellegarde boat house in Lowell; provided further, that the commissioner of conservation and recreation shall meet with the Lowell legislative delegation and local officials on or before July 31, 2006 to discuss and develop a plan to keep the Bellegarde boat house open, staffed and maintained with ongoing renovations"
2800-0101	750,000	1,942,275	"; provided further, that $100,000 shall be expended to Medway for an environmental protection

Item	Reduce by	Reduce to	*Wording Stricken*
			grant; provided further, that not less than $250,000 shall be expended to the town of Braintree for a hydrologic study of the watershed area; provided further, that $400,000 be expended for monitoring of invasive weeds in Crystal Lake in the City of Peabody"
2800-0500	285,000	1,450,000	"; provided further, that no less than $35,000 shall be expended for Nahant Beach Reservation"
			and
			"; and provided further, that not less than $250,000 shall be appropriated to the Middlesex canal commission"
2810-0100	135,000	22,177,890	"; provided further, that not less than $10,000 shall be provided to the Wheelocksville Park Association; provided further, that $100,000 shall be expended for a public safety program in the city of Woburn"
			and
			"; and provided further, that not less than $25,000 shall be appropriated for the Orange River Front Park Project"
2820-0100	1,145,000	25,574,207	"; provided further, that not less than $25,000 shall be expended for Loker Park in Natick"
			and
			"; provided further, that not less than $450,000 shall be expended for the city of Lowell"
			and
			"; provided further, that $320,000 shall be expended for the Boston Parks Department "
			and
			"; provided, further, that not less than $250,000 shall be expended for the Echo Bridge safety pro-

Item	Reduce by	Reduce to	*Wording Stricken*
			gram in the city of Newton and town of Needham"
			and
			"; provided further, that not less than $100,000 shall be expended for the operations of Milford recreation program"
3000-1000	198,506	10,753,980	"; provided further, that, as part of the development of said workforce implementation plan, not less than $100,000 shall be expended for the development of core competencies for those working with children in early education programs; provided further, that the department shall consult with early childhood education practitioners, researchers and experts in early childhood education, child development, and children's mental health, and faculty in degree granting programs in the early childhood education field; provided further, that in developing said core competencies the department shall differentiate by levels of responsibility, delivery settings, and developmental age group of the children; provided further, the department shall consider core competencies defined by other states as well as the Program Standards for Children Ages 3 and 4 promulgated by the department of education; provided further, that the board of early education and care shall adopt core competency requirements for those working with children from birth through entrance into kindergarten on or before February 15, 2007; and provided further, that a copy of the proposed core competencies shall be provided, no later than December 15, 2006, to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education"

Item	Reduce by	Reduce to	*Wording Stricken*
3000-3050	1,300,000	53,373,130	"; and provided further, that not less than $1,300,000 shall be expended to increase rates for transportation costs associated with this item"
4000-0112	1,000,000	4,698,100	"; provided further, that not less than $1,000,000 shall be expended for the YMCA of Greater Boston to facilitate projects approved by the board of directors of the YMCA including, but not limited to, projects in the town of Norwood, the West Roxbury area of Boston, East Boston, Woburn, Bedford and in other cities and towns within the greater Boston area"
4000-0300	3,167,000	133,928,096	"; provided further, that notwithstanding section 1 of chapter 118G of the General Laws or any general or special law to the contrary, for fiscal year 2007 the definition of a "pediatric specialty unit" shall mean an acute care hospital with a burn center verified by the American Burn Center and the American College of Surgeons and a level 1 trauma center for pediatrics verified by the American College of Surgeons or a pediatric unit of an acute care hospital in which the ratio of licensed pediatric beds to total licensed hospital beds as of July 1, 1994, exceeded 0.20; provided further, that in calculating that ratio, licensed pediatric beds shall include the total of all pediatric service beds, and the total of all licensed hospital beds shall include the total of all licensed acute care hospital beds, consistent with Medicare's acute care hospital reimbursement methodology as put forth in the Provider Reimbursement Manual Part 1, Section 2405.3G; provided further, that a hospital with a unit designated as a pediatric specialty unit, or an acute care hospital with a burn center verified by the American Burn Center and the American College of Surgeons and a level 1 trauma center for pediatrics verified by the American College of Surgeons as defined in this

Item	Reduce by	Reduce to	*Wording Stricken*

item shall be exempt from the inpatient and outpatient efficiency standards being applied to their rate methodology; provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient services at acute care pediatric hospitals and pediatric subspecialty units as defined in section 1 of chapter 118G of the General Laws, the executive office shall make a supplemental payment, if necessary, sufficient to assure that inpatient SPAD and outlier payments for discharges with a case mix acuity greater than 5.0 shall be at least equal to 85 per cent of the expenses incurred in providing services to those children; provided further, that in determining the inpatient and outpatient acute hospital rates of payment, the executive office and its contractors shall utilize a payment methodology so that rates of payment are not less than those in effect during fiscal year 2006"

and

"; provided further, that in determining the inpatient and outpatient non-acute hospital rates of payment, the executive office and its contractors shall utilize a payment methodology so that rates of payment are not less than those in effect during fiscal year 2006; provided further, that said executive office shall not reduce the supplement to chronic disease and rehab hospitals administrative day rate below that which was granted during hospital fiscal year 2006; provided further, that said executive office, in fiscal year 2007, shall not eliminate payment to hospital outpatient departments for primary care provided to MassHealth members; provided further, that the executive office shall not reduce the outpatient rates for any specialty hospital which limits its admissions to patients under active diagnosis and treatment of the eyes, ears, nose, and throat, below that which

Item	Reduce by	Reduce to	*Wording Stricken*
			was granted during hospital fiscal year 2005" and "; provided further, that the executive office shall develop a process whereby all participating providers who have signed the Virtual Gateway Services Agreement shall have access to the contents of the consolidated summary of any individual's application submitted through the virtual gateway; provided further, that said information access shall comply with all HIPPA requirements and state privacy laws; provided further, that with respect to section 6037 of the Deficit Reduction Act of 2005, the executive office shall refer applicants and recipients to the registrar of vital records and statistics to obtain a copy of a birth certificate for the purpose of establishing eligibility for Medicaid at no cost to the recipient; provided further, that the executive office shall not, by amendment to the state plan or amendment to the section 1115 demonstration program, elect any state option to increase premiums and cost sharing or reduce benefits pursuant to sections 1916A and 1937 of the Social Security Act as amended by chapter 4 of Title VI of the Deficit Reduction Act of 2005, Pub. L. No. 109171 with respect to any category of persons eligible for medical benefits under chapter 118E as said chapter was in effect on January 1, 2006, unless the executive office has given 90 days notice to the Legislature and has received approval of the proposed plan from a majority of the Legislature; provided further, that not less than $2,662,000 shall be expended for a one time payment to Haverhill to defray the debt resulting from the operation of a former municipally owned hospital; provided further that the executive office shall expend not less than $150,000 for the purpose of

Item	Reduce by	Reduce to	*Wording Stricken*
			identifying resources and establishing any interagency agreements within the secretariat, the departments or the commissions operating under the secretary for the purpose of opening access to an array of community based services for citizens with adult-onset disorders, including information and referral for services available to said population"
4000-0500	25,700,000	2,494,527,848	"; provided further, that not less than $14,000,000 shall be expended for disproportionate share payments for inpatient services provided at pediatric specialty hospitals and units, including pediatric chronic and rehabilitation long-term care hospitals as allowable under federal law; provided further, that not less than $2,000,000 of said $14,000,000 shall be expended as a grant to said pediatric chronic and rehabilitation long-term care hospital for which federal financial participation and federal approval need not be obtained; provided further, that $11,700,000 shall be expended on disproportionate share payments to high public payer hospitals"
			and
			"to increase actuarially sound rates in addition to the fiscal year 2007 inflation trends, benefit restorations, and provider rate increase factors applied to the fiscal year 2006 rates"
4000-0600	30,500,000	1,695,809,136	"; provided further, that the executive office of elder affairs shall make no change in the reimbursement system or operations of adult day health programs as they relate to transportation of program participants, except that the executive office may grant periodic rate increases, as appropriate, for transportation services; and provided further, that effective July I, 2006 for the fiscal year ending June 30, 2007, nursing facility MassHealth rates established by the Division of Health

Item	Reduce by	Reduce to	*Wording Stricken*
			Care Finance and Policy shall be adjusted by no less than $30,500,000 above the payments made to nursing facilities for the fiscal year ended June 30, 2006 for the purpose of funding inflationary costs "
4000-0880	1,500,000	98,595,712	"; and provided further, that children who have aged out of the custody of the department of social services shall be eligible for these benefits until they reach age 20, subject to federal approval"
4120-3000	400,000	8,063,481	"; provided further, that not less than $100,000 shall be expended for the Charlestown Navy Yard Project for disabled adults in the Charlestown neighborhood of Boston; and provided further, that not less than $200,000 shall be expended on special projects in the Charlestown neighborhood of Boston for people with disabilities; and provided further, that not less than $100,000 shall be expended for services provided by the Life Focus Center in the Charlestown neighborhood of Boston"
4510-0600	264,800	3,244,306	"; provided further, that $100,000 shall be expended for a renal disease program administered by the National Kidney Foundation of Massachusetts, Rhode Island and Vermont for nutritional supplements and early intervention services for those affected by renal disease and those at risk of renal disease" and "; provided further, that not less than $14,800 shall be allocated to the Franklin Regional Council of Governments for costs associated with the regional public health program" and "; provided further, that $150,000 shall be expended for the ALS registry created by section

Item	Reduce by	Reduce to	*Wording Stricken*
			25A of chapter 111 of the General Laws"
4512-0500	190,000	1,678,150	"; and provided further, that not less than $90,000 shall be expended to Harbor Health Services, Inc. for support and implementation of a model dental program that provides comprehensive dental care for low-income uninsured adults throughout the Cape"
4513-1020	1,000,000	31,956,637	"; provided further, that not less than $1,000,000 shall be expended for the provision of cost reimbursement funding to certified Early Intervention programs"
4513-1130	158,000	3,577,066	"; provided, that of the amount appropriated in this item, funds shall be expended for rape prevention and victim services, including the statewide Spanish language hotline for sexual abuse and statewide suicide and violence prevention outreach to gay and lesbian youth; provided further, that not less than $158,000 shall be expended for the public health model of community engagement and intervention services and crisis housing for sexual violence and intimate partner violence in the GLBT community"
4590-0915	2,790,000	126,166,272	"; provided further, that not less than $2,790,000 shall be expended for the creation of a children's specialty care unit at Massachusetts hospital school"
5055-0000	500,000	6,107,903	"; provided, that no less than $500,000 shall be expended to sustain and expand services provided through juvenile court clinics"
6010-0001	425,000	16,853,815	"; provided further, that notwithstanding any administrative bulletin or general or special law to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the division of operational services; provided further, that the department shall not be subject to

Item	Reduce by	Reduce to	*Wording Stricken*
			section 36A of chapter 30 of the General Laws and section 22 of chapter 7 of the General Laws, submit to the secretary of transportation for approval requests to repair said vehicles costing in excess of the limit set forth in said section 7"
			and
			"; provided further, not withstanding any general or special law to the contrary, that $50,000 shall be expended to repair the property located at 492 Gorham Street, Lowell; provided further, that $350,000 shall be expended for the new Boston street bridge in Woburn"
			and
			"; provided further, that not less than $25,000 shall be expended for a transportation pilot program in Hopedale"
7003-0702	6,334,000	3.100,000	"; provided further, that not less than $500,000 shall be expended for education, career development and employment service programs operated by the Urban League of Massachusetts"
			and
			"; provided further, that not less than $500,000 shall be expended for the Jackson Appleton Middlesex Urban Revitalization; provided further, that not less than $500,000 shall be available for the Massachusetts Alliance for Small Contractors for the purpose of providing technical-assistance, education, capacity-building and support services to small businesses, minority owned businesses and women businesses in prequalification and certification process required pursuant to chapter 193 of the acts of 2004; provided further that not less than $350,000 shall be expended to fund need-based workforce development related to continuing education grants administered by the Access Program of Boston"

Item	Reduce by	Reduce to	*Wording Stricken*
			and
			"; provided further that not less than $300,000 shall be expended for Radius Specialty Hospital"
			and
			"; provided further; that not less than $250,000 shall be expended for the Center for Women & Enterprise; provided further, that not less than $250,000 shall be expended to support the Technology Initiative of the Metro South/West Regional Employment Board for the development of the Technology Centers of Excellence serving the region's youth and business but the grant shall require a 200 per cent match from the private sector; provided further, that not less than $250,000 shall be expended for the 495/MetroWest Corridor Partnership"
			and
			"; provided further, that not less than $200,000 shall be expended for Centro Latino de Chelsea to provide workforce training, educational services and other transitional services in the city of Chelsea; provided further, that not less than $200,000 shall be expended to the Western Massachusetts Enterprise Fund; provided further, that not less than $200,000 shall be expended for a health center skill training program on Lower and Outer Cape Cod; and provided further, that not less than $200,000 shall be expended for the Women's Career Mentoring Program operated by the Jewish Vocational Service's Center for Careers and Lifelong Learning and The Women's Union Woman to Woman Program; provided further that not less than $200,000 be expended for the Massachusetts Career Development Institute located in Springfield; provided further, that not less than $200,000 shall be expended on the Southeastern Economic Development Corporation's microenter-

Item	Reduce by	Reduce to	*Wording Stricken*
			prise programs as a supplemental match to conduct an entrepreneurial training and technical assistance program for support of emerging high-growth microenterprises that are owned by or employ income-eligible residents; provided further, that not less than $195,000 shall be expended for 3 full-time equivalent rapid response labor specialists at the Massachusetts AFL-CIO; provided further that $150,000 shall be expended for the supportive housing program in the city of Fall River; provided further, that not less than $150,000 shall be expended for the Martin Luther King, Jr. Business Empowerment Center in the city of Worcester"
			and
			"; provided further, that not less than $139,500 shall be expended for Just-a-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed or displaced workers, or persons receiving benefits from transitional aid to families with dependent children; provided further, that not less than $135,000 shall be expended for incumbent worker coordinators at the Massachusetts AFL-CIO; provided further, that not less than $127,000 shall be expended for the Massachusetts Office of Employee Involvement and Ownership; provided further, that not less than $125,000 shall be expended for a new job training initiative by Cape Cod Healthcare, and other health care institutions participating in the 1199 SEIU Training and Upgrading Fund; provided further, that not less than $105,000 shall be made available to the E-Team Machinist Program in the city of Lynn; provided further, that not less than $100,000 shall be provided to the Workforce Investment Association of MA, Inc. for the purpose of assisting administrators, career center directors, and fiscal agents"

Item	Reduce by	Reduce to	*Wording Stricken*
			and
			"; provided further, that $100,000 shall be expended for the Boston Health Care and Research Training Institute; provided further, that not more than $100,000 shall be expended for both the Reunion Center in the town of Easthampton and the Easthampton Youth Entrepreneurship Project; provided further, that not less than $100,000 shall be expended for Centro Las Americas to provide workforce training, educational services and other transitional services in the city of Worcester; provided further, that not less than $100,000 shall be expended to Inquilinos Boricuas en Accion for the Pathways to Technology Initiative; provided further, that not less than $100,000 shall be expended on the Lower Pioneer Valley Educational Collaborative for the purpose of expanding their electrical, plumbing, heating, ventilation and air conditioning apprenticeship programs; provided further, that not less than $95,000 shall be expended for the Mature Workers Program of the Cape and Islands Workforce Investment Board; provided further, that not less than $80,000 shall be expended for the retraining of pile drivers for employment in the offshore gas pipeline industry; provided further that not less than $75,000 shall be expended to the Partners for a Healthier Community to implement the Springfield Health Careers Partnership Program, so-called, in the City of Springfield; provided further, that not less than $75,000 shall be expended for a business retention program in the town of Millville to be operated by the Blackstone Valley Chamber of Commerce; provided further, that not less than $60,000 shall be expended to continue the economic development project operated by the Arlington Neighborhood Association in the city of Lawrence; provided further, that not less than $50,000 shall be expended

Item	Reduce by	Reduce to	*Wording Stricken*
			for a human service academy pilot program to be operated by People Inc. of Fall River; provided further, that not less than $50,000 shall be expended for the Allston-Brighton vocational adjustment center for the continued operation of a job training and placement center; provided further, that not less than $9,000 shall be expended for Quincy Asian Resources, Inc. to provide outreach and services to the Asian American community; provided further, that not less than $7,500 shall be provided for the Bonnie Brae Camp in the city of Gardner; and provided further, that not less than $6,000 shall be spent for the purpose of training municipal employees to use technology"
7004-0099	1,847,000	9,478,833	"; provided further, that not less than $100,000 shall be expended for the Pleasant Street Neighborhood Network Center in Worcester; provided further, that not less than $100,000 shall be expended for Neighbors in Need in Lawrence" and "; provided further, that not less than $100,000 shall be expended for Heritage State Park located in the Roxbury section of the city of Boston; provided further that no less than $20,000 shall be expended to the Town of Braintree as a one-time community action grant for Thayer Public Library; provided further that not less than $100,000 be provided for maintenance on the Town Line Brook/Route 1 Tidal Gates in Revere" and "; provided further, that not less than $50,000 shall be expended for Framingham Downtown Renaissance economic, tourism and cultural development programs; provided further, that no less than $85,000 shall be expended for Biotech incubator space within the Smart Growth District

Item	Reduce by	Reduce to	*Wording Stricken*
			in Lynn; provided further that $75,000 shall be expended as a fifty percent (50%) match for environmental projects in the Towns of Fairhaven and Mattapoisett; provided further, that $50,000 shall be expended for the Lincoln Perkins Project in Worcester; provided further, that $75,000 shall be provided to World is Our Classroom, Inc. serving the towns of Holyoke, Westfield, Chicopee, and Greenfield; provided further, that not less than $150,000 be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce; provided further, that $500,000 shall be expended for the Wallace Civic Center and Planetarium in the city of Fitchburg"
			and
			"; provided further, that not less than $112,000 shall be expended for the maintenance of the Korean War Memorial of Central Massachusetts Walkway of Honor in Worcester"
			and
			"; provided further, that $125,000 shall be expended for security devices for the Worcester Housing Authority; provided further, that no less than $100,000 shall be expended for 2 computer centers operated by the Cambridge housing authority; provided further, that not less than $105,000 shall be expended for Food for the World Pantry in Lawrence"
7004-3036	221,925	1,600,000	"; provided further, that $141,000 shall be expended for the Just A Start Corporation to administer a housing stabilization and conflict management services program to prevent homelessness; provided further, that not less than $80,925 shall be expended for the Central Massachusetts Housing Alliance Inc. Donations Clearinghouse Program"

Item	Reduce by	Reduce to	*Wording Stricken*
7007-0515	500,000	450,000	"; provided, that not less than $150,000 be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce"
			and
			"; and provided further, that $350,000 shall be expended to the Massachusetts Alliance for Economic Development for enhancing economic development related services including, but not limited to, implementation of a statewide online site finder to assist business growth"
7007-0900	16,588,000	12,667,852	"; provided further, that said office shall grant not less than $5,000,000 to the Massachusetts International Marketing Partnership Incorporated, the business entity awarded the contract pursuant to section 60 of chapter 141 of the acts of 2003 for the express purpose of implementing the strategic marketing and promotional program to recover the commonwealth's lost international market share"
			and
			"; provided further, that not less than $1,000,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2007 for the highway information centers operating year round on state highways and federally-assisted highways, and the visitor information centers on Boston Common and the Prudential Center, both in the city of Boston and the Adams Visitor Center in Adams"
			and
			"; provided further, that $700,000 shall be expended for the Massachusetts Cultural Council; provided further, that not less than $500,000 shall

Item	Reduce by	Reduce to	*Wording Stricken*
			be expended for the Mass Tech Park Corp - Berkshire Wireless Program; provided further; that not less than $500,000 shall be expended for the Museum of Afro-American History located in the city of Boston; provided further that not less than $500,000 be expended on the open wide health pilot program in Hampden county; provided further, that no less than $450,000 shall be expended for the Wilmington Historical Commission"
			and
			"; provided further, that said office shall expend not less than $300,000 for the Sturbridge Heritage and Preservation Partnership; provided further, that not less than $300,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that not less than $300,000 shall be provided for an economic development project at the Elco Dress Factory in New Bedford"
			and
			"; provided further, that not less than $250,000 shall be expended for the SouthCoast Development Partnership for the purposes of regional tourism and economic development"
			and
			"; provided further, that not less than $200,000 shall be allocated to the Edmund Fowle House in Watertown"
			and
			"; provided further, that not less than $200,000 shall be expended for the Bay State Games; provided further, that not less than $200,000 shall be appropriated for the 50th Anniversary celebration of the Mayflower II in Plymouth; provided further

Item	Reduce by	Reduce to	*Wording Stricken*
			that not less than $200,000 shall be expended to The Boston Symphony Orchestra; provided further, that not less than $200,000 shall be provided to the Mahaiwe Theatre, in the Town of Great Barrington"
			and
			"; provided further, that not less than $200,000 shall be expended for a grant for From the Top, Inc"
			and
			"; provided further, that not less than $150,000 shall be expended for a child safety program in the town of Winthrop; provided further, that not less than $350,000 shall be expended for the Commonwealth Shakespeare Company, a program of The Wang Center for the Performing Arts, for production support for performances offered for free to the public and for a pilot program to expand performances to Springfield and other cities; provided further, that not less than $150,000 shall be expended for a child safety program in the city of Revere; provided further, that not less than $125,000 shall be expended for New England Puerto Rican Association; provided further, that not less than $200,000 shall be appropriated to the Spanish American Union Incorporated in the city of Springfield provided further, that not less than $75,000 of such funds shall be dedicated to the Puerto Rican Cuatro Project, a cultural development project under said Spanish American Union Incorporated; ; provided further, that not less than $125,000 shall be expended for a historic development project at the Worcester Center for the Performing Arts; provided further, that not less than $300,000 shall be expended for a matching grant to the New England Aquarium; provided further, that not less

Item	Reduce by	Reduce to	*Wording Stricken*
			than $100,000 shall be expended as a grant to the Southern Worcester Development Corporation; provided further, that not less than $100,000 shall be expended for The Berkshire Museum, in the City of Pittsfield; provided further, that not less than $100,000 shall be expended for the Clara Barton Birthplace Museum, Inc.; provided further, that not less than $100,000 shall be expended for the Lowell Chamber of Commerce; provided further, that not less than $100,000 shall be expended for the Merrimack Repertory Theatre; provided further, that not less than $100,000 shall be expended for the Zeiterion Performing Arts Center"
			and
			"; provided further, that not less than $100,000 shall be expended for the Pembroke Park Committee for the facility at Birch street in the town of Pembroke; provided further, that not less than $100,000 shall be expended for Battleship Cove in Fall River in order to assist the commonwealth's official World War II and 9/11 memorials educational and tourism endeavors; provided further, that not less than $100,000 shall be provided to the Massachusetts Vietnam Veterans Inc. for a medal of honor convention; provided further, that not less than $100,000 shall be allocated to the city of Worcester to implement a comprehensive marketing initiative"
			and
			"; provided further, that not less than $100,000 shall be expended for the Freedom Trail Foundation; provided further, that not less than $100,000 shall be expended for a elder growth program in Saugus; provided further, that not less than $100,000 shall be expended for the Cape Cod

Item	Reduce by	Reduce to	*Wording Stricken*
			Economic Development Council; provided further, that $100,000 shall be expended for an economic development project in the town of Braintree; provided further, that $100,000 shall be expended for the North End Visitor Center; provided further, that $100,000 shall be expended for the Old Provincial State House; provided further, that $100,000 shall be expended for a public safety program in the town of Dudley"
			and
			"; provided further, that not less than $100,000 shall be expended for the Cape Cod Maritime Museum located in Hyannis"
			and
			"; provided further, that not less than $100,000 shall be expended for the Longmeadow community festival; provided further, that not less than $100,000 shall be expended for the Puerto Rican Cultural Center in Springfield"
			and
			"; provided further, that not less than $100,000 shall be expended for Centro Las Americas to provide workforce training, educational services and other transitional services in the city of Worcester"
			and
			"; provided further, that not less than $85,000 shall be allocated to the Cambridge Cultural Events fund for the organization of a cultural fair and a Latin American festival in the city of Cambridge; provided further, that not less than $15,000 shall be expended for the Chelsea Latin American festival; provided further, that not less than $75,000 shall be expended for the Waltham

Item	Reduce by	Reduce to	*Wording Stricken*
			Tourist Council; provided further, that not less than $75,000 shall be expended for the rehabilitation and restoration of the Samuel Harrison House in the City of Pittsfield; provided further, that no less than $75,000 shall be expended for the Foxborough geriatric program; provided further, that $75,000 shall be expended for the Cultural Center of Cape Cod"
			and
			"; provided further, that $75,000 shall be expended for the Massachusetts Advocates for the Arts, Sciences, and Humanities; provided further that not less than $75,000 for a public safety grant in the Forest Park area in the city of Springfield; provided further, that no less then $60,000 be expended for the Boston Irish Tourism Association marketing initiatives and for an analysis of the marketability of the Massachusetts Irish Community; provided further that not less than $60,000 shall be expended for the Newburyport initiative to attract new businesses and industries; provided further, that not less than $50,000 shall be expended for the Old Firehouse Museum in South Hadley; provided further, that not less than $50,000 shall be expended for the Caribbean Carnival Association"
			and
			"; provided further, that not less than $50,000 shall be expended for the START Partnership in Framingham; provided further, that not less than $50,000 shall be expended as a grant for the Pioneer Valley Visitors and Tourist Information Center; provided further, that not less than $50,000 shall be provided to the Claflin Hill Symphony Orchestra; provided further, that not less than $50,000 shall be expended for the Holyoke Merry-Go-Round at Heritage State Park;

Item	Reduce by	Reduce to	*Wording Stricken*
			provided further, that not less than $50,000 shall be shall be expended for the Greater Haverhill Chamber of Commerce for the expansion of the Haverhill Means Business program; provided further, that not less than $50,000 shall be expended for the Worcester Historical Museum; provided further, that not less than $50,000 shall be provided to the Leicester Historical Society for the restoration of the Rev. Samuel May, Jr. House"
			and
			"; provided further, that not less than $50,000 shall be expended for the New Bedford Art Museum for tourism production; provided further, that not less than $50,000 shall be expended for the Johnny Appleseed Visitors' Center; provided further, that not less than $50,000 shall be expended for the purposes of the operation of the programs of the Riverside Theatre Works, an organization located in the Hyde Park section of the City of Boston"
			and
			"; provided further, not less than $50,000 shall be provided for the restoration and repairs of the Historical Asa Waters Mansion in the Town of Millbury; provided further, that not less than $50,000 shall be allocated for the Methuen geriatric safety program"
			and
			"; provided further that not less than $50,000 shall be expended for the Town of Plympton's Tercentennial Celebrations; provided further, that not less than $50,000 shall be expended as a one time grant to Destination Salem in the city of Salem for the promotion of regional and local tourism; provided further, that not less than $50,000 be ex-

Item	Reduce by	Reduce to	*Wording Stricken*
			pended by the town of Berkley for environmental restoration and resources grant for the use of the Berkley Highway Department and Tree Department; provided further, that not less than $50,000 shall be directed to Arts Alive of Falmouth for support of the Woods Hole Film Festival; provided further that not less than $50,000 shall be expended for TheatreZone Chelsea; provided further, that not less than $40,000 shall be expended for the Newburyport Economic Development Department's Jump Start Program"
			and
			"; provided that $35,000 shall be expended for a public safety grant in the town of Berlin; provided further, that not less than $35,000 shall be provided to the Bellingham historical commission renovations program; provided further, that $30,000 in matching funds be expended to the town of Avon for a feasibility study of municipal buildings; provided further, that not less than $25,000, subject to 100 per cent funding match, shall be made available to the Jacob's Pillow Dance Festival; provided further, that not less than $25,000 be expended for the Route 16/Hopedale Street public safety program in Hopedale; provided further, that not less than $25,000 shall be expended to operate the Cape Cod Junior Technology Council; provided further, that not less than $25,000 shall be expended for the Sturbridge Area Tourist Association; provided further, that not less than $25,000 shall be expended for the West Brookfield Historical Society for the three hundred and fiftieth Anniversary of the Quaboag Plantation"
			and

Item	Reduce by	Reduce to	*Wording Stricken*
			"; provided further, that not less than $25,000 shall be expended for the Reagle Players of Waltham; provided further, that not less than $25,000 shall be made available to Woburn for a safety grant in the Walnut Street area in downtown Woburn; provided further, that not less than $25,000 shall be expended for the Phillipston historical society; provided further, that not less than $25,000 shall be expended for the Central Quabbin Area Tourism and Visitors Center; provided further, that not less than $25,000 be expended for improvements in the Prospect Hill Historic District in the City of Lawrence"
			and
			"; provided further, that not less than $20,000 shall be expended for the Amesbury Cultural Center"
			and
			"; provided further, that $15,000 shall be expended for the Sgt. 1st Class Robert E. Rooney project in the town of Plymouth; provided further, that not less than $15,000 shall be provided to the Cape Cod Cranberry Growers for the production of a Cranberry Harvest Map; provided further, that $15,000 shall be expended for the Lance Corporal Jeffrey C. Burgess project in the town of Plymouth; provided further, that not less than $8,000 shall be expended for a recreational program in the town of Freetown; and provided further, not less than $5,000 shall be provided for the restoration and rebuilding of a historical gazebo in the Town of Auburn"
7010-0005	150,000	10,902,905	"; provided, that the department, in collaboration with the commission on gay and lesbian youth established by section 67 of chapter 3 of the General Laws shall allocate not less than $150,000 for pro-

Item	Reduce by	Reduce to	*Wording Stricken*
			gramming to ensure public schools' compliance with the board of education's recommendations for the support and safety of gay and lesbian students and the implementation of related suicide-prevention and violence-prevention efforts"
7027-0016	200,000	2,129,566	"; provided further, that not less than $200,000 shall be provided for the Diploma Plus drop out prevention program in partnership with Commonwealth and the Massachusetts Department of Education"
7035-0002	200,000	29,322,628	"; provided further, that not less than $200,000 shall be allocated to the Massachusetts Foundation for the Humanities in Northampton for an adult education program"
7035-0006	5,500,000	50,000,000	"; provided further, that $400,000 shall be expended to implement a pilot program to assist regional school districts in utilizing route planning software for the purpose of maximizing efficiency and reducing the length of transit time; provided further, that the pilot shall include a study of methods to improve cost-savings and efficiency in regional transportation; provided further, that the study shall include, but not be limited to, reviewing methods to allow districts flexibility in arranging student transportation and examining a system for providing district-organized carpooling under which carpool drivers receive a stipend for their services"
			and
			"; and provided further, that the department shall report on the results of the pilot, the study and the audits to the secretary of administration and finance, the senate president, the speaker of the house, the chairpersons of the house and senate ways and means committees and the house and senate chairpersons of the joint committee on edu-

Item	Reduce by	Reduce to	*Wording Stricken*
			cation not later than March 1, 2007"
7061-9404	370,000	9,962,793	"; provided further, that not less than $370,000 shall be allocated to the Framingham public schools to evaluate existing dual-immersion programs in the town of Framingham and elsewhere in the commonwealth including an evaluation of best practices and all professional development related to these programs; provided further, that any evaluation will examine the likelihood and efficiency of replication of these programs and practices in school districts with large percentage of English language learners; provided further, that these funds may be expended for professional development related to these programs"
7518-0100	321,810	18,799,451	"; provided, that $108,000 shall be obligated for the life focus center"
8000-0000	150,000	2,148,049	"; provided, that not less than $150,000 shall be expended for the purpose of a targeted controlled substance interdiction pilot program to be administered jointly by the district attorney for Suffolk county and the chiefs of police for the city of Revere and the town of Winthrop; and provided further, that the office shall submit a report to the house and senate committees on ways and means not later than June 1, 2007 which shall include, but not be limited to, the quantity and nature of drug seizures resulting from the implementation of the pilot program"
8324-0000	100,000	10,827,047	"; provided further, that $100,000 shall be expended to Norfolk County for the purposes of the establishment of the Norfolk County dispatch center "
8900-000	180,000	452,267,512	"; provided further, that not less than $80,000 shall be provided for the Dismas House in the city of Worcester"
9110-9002	250,000	7,300,000	"; provided that not less than $50,000 shall be provided to the LGBT Aging"

SECTION 2 *Items reduced in amount and by striking the wording and inserting in place thereof the following*:

Item	Reduce by	Reduce to	
0330-0410	148,736	818,590	*Wording Stricken*

"; provided further, that not less than $50,000 shall be expended for the Housing Services and Mediation Program operated by the Berkshire County Regional Housing Authority in Pittsfield"

and

"; provided further that not less than $60,000 shall be expended for North Central Court Services, Inc.; provided further, that not less than $65,000 shall be expended for the North Shore Community Mediation Program in Salem; provided further, that not less than $65,000 shall be expended for Metropolitan Mediation Services"

and

"; provided further, that not less than $65,000 shall be expended for Framingham Court Mediation Services; provided further, that not less than $60,000 shall be expended for the Cape Cod Dispute Resolution Center; provided further, that not less than $65,000 shall be expended for the Community Dispute Settlement Center, Inc., of Cambridge"

and

"; provided further, that not less than $65,000 shall be expended for the Middlesex Multi-door Court House Program; and provided further, that not less than $40,000 shall be expended for the Martha's Vineyard Mediation Program"

Wording Inserted

"; provided further, that not less than $25,863 shall be expended for the Housing Services and

Item	Reduce by	Reduce to	
			Wording Stricken
			Mediation Program operated by the Berkshire County Regional Housing Authority in Pittsfield"
			and
			"; provided further that not less than $44,337 shall be expended for North Central Court Services, Inc.; provided further, that not less than $40,000 shall be expended for the North Shore Community Mediation Program in Salem; provided further, that not less than $48,032 shall be expended for Metropolitan Mediation Services"
			and
			"; provided further, that not less than $50,000 shall be expended for Framingham Court Mediation Services; provided further, that not less than $50,000 shall be expended for the Cape Cod Dispute Resolution Center; provided further, that not less than $50,000 shall be expended for the Community Dispute Settlement Center, Inc., of Cambridge"
			and
			"; provided further, that not less than $48,032 shall be expended for the Middlesex Multi-door Court House Program; and provided further, that not less than $30,000 shall be expended for the Martha's Vineyard Mediation Program"
1108-5500	518,198	6,209,250	*Wording Stricken*
			"; provided, that the employees shall pay 15 per cent of the monthly premium established by the commission for the benefits"
			Wording Inserted
			"; provided, that the employees shall pay 25 per cent of the monthly premium established by the

Item	Reduce by	Reduce to	
			Wording Stricken
			commission for the benefits"
1599-0042	6,250,000	6,250,000	*Wording Stricken*
			"; provided further, that not less than $10,000,000 of the funds appropriated herein shall be used to adjust said rates by an equal percentage for all said providers; provided further, that the remainder of the funds appropriated herein shall be used to adjust said rates so as to reduce disparities between said rates, relative to the relevant private market rates, including such disparities as those between the rates paid for the same type of care from items 3000-3050, 3000-4050 and 4060 and those paid from item 3000-4000, those between the rates paid for services for infants and toddlers and those paid for services for other children, and those between the rates paid for services provided by family child care providers and those paid for services provided by other providers; and provided further, that all said adjustments shall be subject to the approval of the board of early education and care"
			Wording Inserted
			"; provided further, that not less than $5,000,000 of the funds appropriated herein shall be used to adjust said rates by an equal percentage for all said providers; provided further, that the remainder of the funds appropriated herein shall be used to adjust said rates so as to reduce disparities between said rates, relative to the relevant private market rates, including such disparities as those between the rates paid for the same type of care from items 3000-3050, 3000-4050 and 4060 and those paid from item 3000-4000, those between the rates paid for services for infants and toddlers and those paid

Item	Reduce by	Reduce to	
			Wording Inserted
			for services for other children, and those between the rates paid for services provided by family child care providers and those paid for services provided by other providers; and provided further, that all said adjustments shall be subject to the approval of the board of early education and care"
1599-6901	14,000,000	14,000,000	*Wording Stricken*
			"; provided further, that the total fiscal year 2007 cost of salary adjustments and any other associated employee costs authorized thereunder shall not exceed $28,000,000"
			Wording Inserted
			"; provided further, that the total fiscal year 2007 cost of salary adjustments and any other associated employee costs authorized thereunder shall not exceed $14,000,000"
3000-7050	750,000	7,645,694	*Wording Stricken*
			"; provided further, that not less than $3,000,000 shall be expended for grants for the home-based parenting, family literacy, and school readiness program known as the Parent-Child Home Program "
			and
			"; provided further, that of said $3,000,000, the department shall distribute not less than $750,000 to establish replication sites in cities and towns where high concentrations of low income families reside; provided further, that for grants awarded to establish the replication sites, the department shall consider applications from school districts or social service agencies that demonstrate the capacity to replicate the home visiting program to serve area low income families; provided further, that the grants to

Item	Reduce by	Reduce to	
			Wording Stricken
			establish replication sites shall be awarded not later than October 30, 2006; and provided further, that preference for the grants shall be given to applicants who demonstrate a commitment to maximize federal and local funding for the operation of the replication site"
			Wording Inserted
			"; provided further, that not less than $2,250,000 shall be expended for grants for the home-based parenting, family literacy, and school readiness program known as the Parent-Child Home Program"
4000-0700	14,500,000	1,524,137,750	*Wording Stricken*
			"; and provided further, that not less than $10,000,000 shall be expended to pay for an increase in Medicaid rates for community health centers, as defined in section 1 of chapter 118G of the General Laws"
			Wording Inserted
			"; and provided further, that not less than $5,000,000 shall be expended to pay for an increase in Medicaid rates for community health centers, as defined in section 1 of chapter 118G of the General Laws"
4512-0225	345,058	654,942	*Wording Stricken*
			The department of public health may expend not more than $1,000,000 for a compulsive gamblers' treatment program from unclaimed prize money held in the State Lottery Fund for more than 1 year from the date of the drawing when the unclaimed prize money was won, and from the proceeds of a multi-jurisdictional lottery game under subsection (e) of section 24A of chapter 10 of the General Laws

Item	Reduce by	Reduce to	
			Wording Inserted
			The department of public health may expend not more than $654,942 for a compulsive gamblers' treatment program from unclaimed prize money held in the State Lottery Fund for more than 1 year from the date of the drawing when the unclaimed prize money was won, and from the proceeds of a multi-jurisdictional lottery game under subsection (e) of section 24A of chapter 10 of the General Laws
4513-1000	250,000	5,114,721	*Wording Stricken*
			"; provided further, that not less than $4,600,000 shall be expended for comprehensive family planning services, including HIV counseling and testing, community based health education and outreach services, provided by agencies certified as comprehensive family planning agencies, family planning clinics and primary care services for women and children; provided further, that of $4,600,000, $150,000 shall be allocated for a statewide hotline and other efforts to implement chapter 91 of the acts of 2005"
			and
			"; provided further, that not less than $100,000 of said funds shall be expended for such programs in the Bowdoin/Geneva and the Uphams Corner/ North Dorchester sections of Boston"
			Wording Inserted
			"; provided further, that not less than $4,450,000 shall be expended for comprehensive family planning services, including HIV counseling and testing, community based health education and outreach services, provided by agencies certified as comprehensive family planning agencies, family planning clinics and primary care services for women and children"

Item	Reduce by	Reduce to	
4590-0250	300,000	16,430,544	*Wording Stricken*
			"; provided further, that not less than $350,000 shall be expended for the commission on gay and lesbian youth; provided further, that not less than $200,000 shall be expended for the North Quabbin Community Coalition for support and implementation of four model community coalitions and community capacity building activities"
			Wording Inserted
			"; provided further, that not less than $250,000 shall be expended for the commission on gay and lesbian youth"
5046-0000	3,175,000	301,757,778	*Wording Stricken*
			"; provided further, that not less than $6,000,000 shall be expended for services for clients of the department who are aging into the adult system from the child/adolescent mental health system or other systems of care if the clients meet the clinical eligibility criteria of the department"
			and
			"; provided further, that $200,000 shall be expended for jail diversion programs; provided further, that of that $200,000, $100,000 shall be expended for the jail diversion program in Framingham"
			and
			"; and provided further, that not less than $75,000 shall be expended on expansion of employment support services at the Fairwinds Clubhouse in Falmouth"
			and
			"; and provided further, that not less than $1,900,000 shall be expended on mental health

Item	Reduce by	Reduce to	
			Wording Stricken
			research"
			Wording Inserted
			"; provided further, that not less than $5,000,000 shall be expended for services for clients of the department who are aging into the adult system from the child/adolescent mental health system or other systems of care if the clients meet the clinical eligibility criteria of the department"
5047-0002	787,427	4,500,000	*Wording Stricken*
			"The department of mental health may expend not more than $5,287,427 in revenue collected from services rendered in emergency programs and acute inpatient and diversionary settings on continuing care services in the community"
			Wording Inserted
			"The department of mental health may expend not more than $4,500,000 in revenue collected from services rendered in emergency programs and acute inpatient and diversionary settings on continuing care services in the community"
7030-1003	50,000	3,622,990	*Wording Stricken*
			"; provided further, that $435,000 shall be expended for JFY.net, a Jobs for Youth initiative for high technology, literacy and job skill instruction to youth and adults through advanced software and existing infrastructure capacity in schools and community agencies"
			Wording Inserted
			"; provided further, that $385,000 shall be expended for JFY.net, a Jobs for Youth initiative for high technology, literacy and job skill instruction to youth and adults through advanced

Item	Reduce by	Reduce to	
			Wording Stricken
			software and existing infrastructure capacity in schools and community agencies"
7030-1005	200,000	2,700,000	*Wording Stricken*
			"; provided further, that not less than $500,000 shall be expended for matching grants to school districts to support the funding of Reading Recovery teachers salaries in one-to-one early intervention tutorial literacy programs"
			Wording Inserted
			"; provided further, that not less than $300,000 shall be expended for matching grants to school districts to support the funding of Reading Recovery teachers salaries in one-to-one early intervention tutorial literacy programs"
8100-0000	2,508,220	218,423,497	*Wording Stricken*
			"; provided further, that not less than $2,710,146 shall be expended for the payroll costs of the state police directed patrols"
			and
			"; provided further, that not less than $10,000 shall be expended for the state police to provide police detail at the big E fair, including, but not limited to, a mounted unit to participate in the big E fair parade and a display of the state police mobile command center; provided further, that $48,000 shall be expended for a regionalized emergency communication system in the central part of the state; provided further, that $31,500 shall be expended for patrols along state highway route 18 in the city of New Bedford; provided further, that $37,300 shall be expended at the direction of the Bourne barracks for increased traffic detail on Cape Cod and in the town of Plymouth"

			Wording Inserted
			"; provided further, that not less than $2,328,946 shall be expended for the payroll costs of the state police directed patrols"
8910-0107	6,563,928	56,147,510	*Wording Stricken*
			"; provided, that not less than $7,005,660 shall be expended for costs related to the opening and operation of a new facility"
			Wording Inserted
			"; provided, that not less than $5,000,000 shall be expended for costs related to the opening and operation of a new facility"
9110-1455	4,300,000	59,272,979	*Wording Stricken*
			"; provided further, that not less than $600,000 shall be made available for the operation of the pharmacy outreach program established by section 4C of chapter 19A of the General Laws"
			and
			"; provided further, that the executive office shall notify the house and senate committees on ways and means not less than 90 days in advance of any action to limit or cap the number of enrollees in the program"
			and
			"; provided further, that no action shall be taken to expand the benefits of the program, extend benefits to additional populations or reduce cost sharing in the program without approval of the general court"
			and
			"; provided further, that the secretary shall not implement cost sharing increases during fiscal year 2007 unless the executive office has given

Item	Reduce by	Reduce to	
			Wording Stricken
			90 days notice to the general court and has received approval of the proposed plan from a majority of the general court; provided further, that there shall be an open enrollment period, lasting not less than 1 month and not more than 2 months, that begin not later than November 15, 2006; provided, that the open enrollment shall be preceded by at least 30 days of advance public notice and marketing; provided further, that during the open enrollment period, individuals shall be enrolled in the program in the order in which the program receives their completed application"
			Wording Inserted
			"; provided further, that not less than $300,000 shall be made available for the operation of the pharmacy outreach program established by section 4C of chapter 19A of the General Laws"

SECTION 2 *Items disapproved by striking the wording:*

Item	*Wording Stricken*
1100-1100	"; provided further, that the secretary of administration and finance in conjunction with the trial court, the executive office of health and human services, the division of capital asset management and maintenance, the bureau of state office buildings and the division of energy resources, shall submit a report to the house and senate committees on ways and means concerning the commonwealth's energy costs, which shall include, but not be limited to: (a) energy consumption and costs incurred by commonwealth-owned or operated facilities, including the state house, state office buildings, hospitals, courthouses, correction facilities and related properties, (b) cost saving initiatives relating to energy consumption and procurement, (c) the energy consumption and costs for all vehicles operated by the commonwealth and its subsidiary secretariats and agencies, and (d) the current status of the state's energy infrastruc-

Item	*Wording Stricken*
	ture and plans for either replacement or conversion of existing systems; provided further, that the report shall be submitted not later than January 26, 2007"
1201-0100	"; and provided further, that in order to increase participation in the earned income credit program, the department shall (a) not later than January 1, 2007, provide to every employer without charge a notice in conformity with clause (iii) of subsection (d) of section 62A of chapter 151A of the General Laws concerning the availability of the federal and state earned income credits including the option to receive the credit in paychecks throughout the year and require every employer to post the notice in conformity with section 16 of chapter 151 of the General Laws, (b) work with the chambers of commerce, municipalities, community-based organizations, taxpayer advocates and labor organizations to ensure the widest possible dissemination of information concerning the availability of the credits and (c) not later than March 1, 2007, file a report with the joint committee on revenue and the house and senate committees on ways and means concerning its efforts under this proviso to increase earned income credit participation"
2000-0100	"; provided further, that said secretary shall file a plan with the house and senate committees on ways and means 20 days before entering into any interdepartmental service agreements with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the secretary shall file a plan with the house and senate committees on ways and means and to the joint committee on environment, natural resources and agriculture 90 days prior to the initiation of any proposal or plan that would consolidate any function with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the plan shall include, but not be limited to the following: (1) an identification of the employees that would be affected by consolidation and the item of appropriation that they are paid from, (2) the savings or efficiencies to be realized, (3) the improvements to the services expected, and (4) the source and amount of funding necessary to accomplish the consolidation; and

Item	*Wording Stricken*
	provided further, that the secretary shall provide a 90 day notice prior to the implementation of any memorandum of understanding, interagency service agreements, or other contacts, or agreements that would enable such consolidation of services to take place"
2300-0100	"; provided further, that the commissioner shall not increase the level of assessments from the amount assessed for fiscal year 2006 to any agency, or line item within the department; provided further, that the department shall file a report with the house and senate committees on ways and means not later than September 1, 2006 that details the level of assessments to each department under the control of the office of the commissioner in fiscal years 2006 and 2007"
2511-0100	"; and provided further, that the system shall be integrated with the existing SPORT electronic licensing system operated by the department of fish and game"
3000-5075	", provided further, that said estimates and regulations governing the program shall be adopted by the board not later than its October meeting"
4190-0102	"; provided further, that no funds appropriated in this item shall be expended until the superintendent has submitted a report to the secretary and the house and senate committees on ways and means detailing projected expenditures for fiscal years 2007 and 2008 and any and all assumptions used to project outpatient pharmacy spending for the outpatient pharmacy program from this item and item 4190-0100 by September 1, 2006; provided further, that said superintendent shall submit a report to said secretary and the house and senate committees on ways and means that shall include, but not be limited to, demographic information on said outpatient pharmacy users, including age and insurance status, utilization information for the outpatient pharmacy, including the number of generic prescriptions filled, the number of brand name prescriptions filled, the number of 30-day supplies of generic drugs dispensed, the number of 30-day supplies of brand name drugs dispensed, and a description of said Soldiers' Home's drug utilization review program for the first 2 quarters of fiscal year 2007; provided further, that said report shall be submitted not later than January 16, 2007"

Item	*Wording Stricken*
4400-1000	"; and provided further, that the department shall report to the house and senate committees on ways and means not later than December 15, 2006 on the extended office hours and placement of workers at community and human service organizations that the department has determined is feasible within the appropriation provided and that the department will provide in the current fiscal year"
4401-1000	"; and provided further, that in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated by this item"
4403-2120	"; provided further, that families receiving such shelter benefits who are found not to be eligible for continuing shelter benefits shall be eligible for aid pending a timely appeal pursuant to section 16 of chapter 18 of the General Laws" and "; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes" and "; provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels except to the extent that such changes are needed to avoid a deficiency in this item; provided further, that the department shall report quarterly to the house and senate committees on ways and means an unduplicated count of families who apply for emergency assistance funded family shelter during the fiscal year; provided further, that the report shall include the total number of applications received, the number of families approved for shelter, the number of families denied shelter along with reasons for denials,

Item	*Wording Stricken*
	the number of families who are approved for shelter benefits within 12 months of an initial denial, the home community of families receiving shelter, the number of families receiving shelter within each home community, the number of available shelter slots within each home community, the income level of families receiving shelter who had previously accessed state-funded programs to reduce homelessness and the programs that had been accessed, the composition of families receiving shelter, the reason that the household is seeking emergency family shelter, the reasons that families exit shelters by type of reason, including reasons for voluntary departure and termination, exiting families' housing plans by type of plan, including type of housing arrangements, subsidy status, monthly rent, and gross monthly income, and any other information that the department determines to be necessary in evaluating the operation of the emergency assistance family shelters program; provided further, that the report shall also include information, by type of shelter, on average length of stay, average cost per household served, average number of shelter slots not used either as the result of no placement being made or of a placed family not making use of shelter, and an analysis of this information, including an analysis of causes relating to any significant differences in the data for each type of shelter; and provided further, that the report shall also include a status report on the outcomes of department-funded homelessness prevention initiatives or pilot programs, providing information on the nature and total cost of each such initiative, the number of families served by each such initiative, the average cost per family of each such initiative, the affordability and stability of housing or alternative shelter placements for prevention program recipients, including type of housing arrangement, subsidy status, monthly rent, and gross monthly income, and any other information that the department determines to be necessary in evaluating the operation of state-funded homeless prevention programs"
4408-1000	"; and provided further, that, notwithstanding any general or special law to the contrary, 60 days before implementing any eligibility or benefit changes, the commissioner shall file with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet pro-

Item	*Wording Stricken*
	jected expenses and a report setting forth the proposed changes"
4510-0100	"; and provided further, that state or federal funding for school-based abstinence education shall be used only in conjunction with the teaching of comprehensive sexuality education"
4518-0200	"; provided further, that the registrar of vital records and statistics shall exempt from payment of a fee any person requesting a copy of a birth certificate for the purpose of establishing eligibility for Medicaid"
4800-0091	"of social workers"
5920-3010	", including children with autism spectrum disorder ages 0-3 receiving services through the department of public health"
8000-0125	"; provided, that the $75 registration fee paid by convicted sex offenders shall be directed from the General Fund to the sex offender registry board to be used to expand the victim services unit"

SECTION 2B *Items disapproved by striking the wording:*

Item	*Wording Stricken*
1102-3224	"; provided, that the division of capital asset management and maintenance shall submit to the house and senate committees on ways and means on or before the first of each month beginning July 1, 2006 a monthly report on the agencies that currently, or will during fiscal year 2007 occupy space in the Saltonstall building, their rental costs, utility costs, parking space allocation, floor space, lease dates, all services included in the lease and all services that the agencies are obligated to fund beyond the lease payments; provided further, that the report shall include both estimated payments and prior expenditures"

Item 6006-0003 returned the first time it appears, after item 6005-0015.

Pursuant to Article 56, as amended by Article 90, Section 3, of the Amendments to the Constitution, the Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments to Sections 93, 95, 106, 117, and 123.

The remainder of the bill was approved by the Governor on July 8, 2006 at eight o'clock and thirty minutes, A.M.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 13, 2006 the House of Representatives and in concurrence on July 13, 2006 the Senate passed the following Item:
SECTION 2. Item: 4000-0500

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 18, 2006 the House of Representatives and in concurrence *on July 19, 2006 the Senate passed the following Items*:
SECTION 2. Items: 0320-0003, 0321-1600, 0330-0300, 0330-0410, 0330-3335, 0333-0700, 0339-1001, 0339-1003, 0339-1004, 0540-2500, 0840-0100, 1599-0042, 1599-6901, 1231-1000, 3000-5000, 3000-7050 and 4000-0112.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 18, 2006 the House of Representatives and in concurrence *on July 20, 2006 the Senate passed the following Items*:
SECTION 2. Item: 3000-2000

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 18, 2006 the House of Representatives and in concurrence *on July 24, 2006 the Senate passed the following Items*:
SECTION 2. Items: 3000-1000 and 3000-6050

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 19, 2006 the House of Representatives and in concurrence *on July 20, 2006 the Senate passed the following Items*:
SECTION 2. Items: 0640-0010, 4120-3000, 4120-4000, 4510-0600, 4512-0103, 4513-1000, 4513-1020, 4513-1130, 4590-0250, 4800-0041, 5046-0000, 5920-3010, 6000-0200, 6010-0001, 7000-9401, 7000-9501, 7003-0605, 7003-0702, 7004-0099, 7004-2475, 7004-9024, 7004-9316, 7007-0951, 8000-0050, 8100-0000, 8324-0000, 8900-0001, 9110-1455, 9110-1635, and 9110-9002.
SECTIONS 4. and **129**.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 19, 2006 the House of Representatives and in concurrence *on July 24, 2006 the Senate passed the following Items*:
SECTION 2. Items: 1599-0093 and 1599-3838.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 19, 2006 the House of Representatives and in concurrence *on July 25, 2006 the Senate passed the following Items*:
SECTION 2. Items: 8910-0102 and 8910-0107.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 19, 2006 the House of Representatives and in concurrence *on July 27, 2006 the Senate passed the following Items*:
SECTION 2. Items: 4518-0200, 4800-0091, and 4800-2025.
SECTIONS 48, 49, 50, 51 and **52.**

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 19, 2006 the House of Representatives and in concurrence *on July 31, 2006 the Senate passed the following Item*:
SECTION 2. Item: 7007-0500:

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 20, 2006 the House of Representatives and in concurrence *on July 24, 2006 the Senate passed the following Items*:
SECTION 2. Items: 0640-0300, 0640-0351, 2000-9900, 2200-0100, 2300-0100, 7010-0005, 7010-0012, 7030-1003, 7035-0006 and 7061-9619.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 20, 2006 the House of Representatives and in concurrence *on July 25, 2006 the Senate passed the following Items*:
SECTION 2. Items: 2800-0100, 2800-0101, 2800-0500, 2810-0100, 2820-0100 and 7027-0016.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 20, 2006 the House of Representatives and in concurrence *on July 27, 2006 the Senate passed the following Items*:
SECTION 2. Items: 2000-0100, 3000-2050 and 7030-1005.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 20, 2006 the House of Representatives and in concurrence *on July 31, 2006 the Senate passed the following Item*:
SECTION 2. Item: 2511-0100

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 24, 2006 the House of Representatives and in concurrence *on July 24, 2006 the Senate passed the following Items*:
SECTION 2. 7007-0900.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 24, 2006 the House of Representatives and in concurrence on July 25, 2006 the Senate passed the following Items:
SECTION 2. Items: 0321-2000, 0339-2100, 4000-0300, 4000-0600, 4000-0700, 4000-0880, 4190-0102, 4200-0100, 4200-0500, 7000-9402, 7000-9406, 7000-9506, 7000-9507, 7007-0515, 8000-0000, 8000-0619, 8910-0105, 8910-0110 and 8910-0145.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 24, 2006 the House of Representatives and in concurrence *on July 27, 2006 the Senate passed the following Items*:
SECTION 2. Items: 0321-1510 and 0321-1520.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 25, 2006 the House of Representatives and in concurrence *on July 26, 2006 the Senate passed the following Items*:
SECTION 2. Items: 3000-3050, 3000-4050, 3000-7070, 4200-0010, 4400-1000, 4401-1000, 4403-2000, 4403-2120, 4406-3010, 4408-1000, 4510-0720, 4512-0225, 4512-0500, 4590-0915, 5047-0002, 5055-0000 and 5920-5000
SECTION 104 .

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 25, 2006 the House of Representatives and in concurrence *on July 27, 2006 the Senate passed the following Item*:
SECTION 2. Item: 7080-0200.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 26, 2006 the House of Representatives and in concurrence *on July 26, 2006 the Senate passed the following Items*:
SECTION 2. Items: 7114-0105 and 7114-0106.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 26, 2006 the House of Representatives and in concurrence *on July 27, 2006 the Senate passed the following Items*:
SECTION 2. Items: 1100-1100, 1108-5100, 1108-5200, 1108-5500, 1775-1101, 2511-0105, 7004-3036, 7035-0002, 7061-0011, 7061-0029, 7061-9404, 7100-0200, 7100-0300, 7100-0700, 7109-0100, 7110-0100, 7112-0100, 7113-0100, 7114-0100, 7115-0100, 7116-0100, 7117-0100, 7118-0100, 7502-0100, 7503-0100, 7504-0100, 7505-0100, 7506-0100, and 7511-0101
SECTIONS 58 and **94**.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 27, 2006 the House of Representatives and in concurrence *on July 27, 2006 the Senate passed the following Items*:
SECTION 2. Items: Items 7507-0100, 7508-0100, 7509-0100, 7510-0100, 7511-0100, 7512-0100, 7514-0100, 7515-0100, 7516-0100 and 7518-0100.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 27, 2006 the House of Representatives and in concurrence *on July 31, 2006 the Senate passed the following Items*:
SECTION 2. Items: 7003-0604 and 8000-0125.
SECTION 2B. Item: 1102-3224

Chapter 140. AN ACT RELATIVE TO THE LOSS OF LIFE DUE TO FIRES CAUSED BY CIGARETTES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 64C of the General Laws is hereby amended by inserting after section 2 the following 6 sections:-

Section 2A. As used in sections 2A to 2F, inclusive, the following words shall have the following meanings:-

"Agent", any person authorized by the commonwealth to purchase and affix tax stamps on packages of cigarettes.

"Cigarette", any roll for smoking whether made wholly or in part of tobacco or any other substance, regardless of size or shape and whether or not such tobacco or substance is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco, and that, because of its size, appearance, the type of tobacco used in its filler, or its packaging or labeling, is likely to be offered to, or purchased by, consumers as a cigarette or cigarette equivalent.

"Secretary", the secretary of the executive office of public safety.

"Manufacturer", (1) any entity which manufactures or otherwise produces cigarettes or causes cigarettes to be manufactured or produced anywhere that such manufacturer intends to be sold in the commonwealth, including cigarettes intended to be sold in the United States through an importer;

(2) the first purchaser anywhere that intends to resell in the United States cigarettes manufactured anywhere that the original manufacturer or maker does not intend to be sold in the United States; or

(3) any entity that becomes a successor of an entity described in clause (1) or clause (2) of this definition.

"Repeatability", the range of values within which the repeat results of cigarette test trials from a single laboratory will fall 95 per cent of the time.

"Retail dealer", any person other than a manufacturer or wholesale dealer engaged in selling cigarettes or tobacco products.

"Sale", any transfer of title or possession or both, exchange or barter, conditional or otherwise, in any manner or by any means whatever or any agreement thereof. In addition to cash and credit sales, the giving of cigarettes as samples, prizes or gifts, and the exchanging of cigarettes for any consideration other than money shall be considered a sale.

"Sell", to sell, or to offer or agree to sell.

"Quality control and quality assurance program", the laboratory procedures implemented to ensure that operator bias, systematic and nonsystematic methodological errors or equipment-related problems do not affect the results of testing and that the testing repeatability remains within the required repeatability values stated in clause (5) of subsection (a) of section 2B for all test trials used to certify cigarettes in accordance with section 2C.

"Wholesale dealer", any person who sells cigarettes or tobacco products to retail dealers or other persons for purposes of resale, and any person who owns, operates or maintains 1 or more cigarette or tobacco product vending machines in, at or upon premises owned or occupied by any other person or entity.

Section 2B. (a) No cigarettes may be sold or offered for sale in the commonwealth or offered for sale or sold to persons located in the commonwealth unless the cigarettes have been tested in accordance with the test method prescribed in this section and meet the performance standard specified in this section and unless a written certification has been filed by the manufacturer with the secretary in accordance with section 2C. Such test method and performance standard shall require that:

(1) testing of cigarettes shall be conducted in accordance with the American Society of Testing and Materials, or "ASTM", standard E2187-04 "Standard Test Method for Measuring the Ignition Strength of Cigarettes";

(2) testing shall be conducted on 10 layers of filter paper;

(3) no more than 25 per cent of the cigarettes tested in a test trial in accordance with this section shall exhibit full-length burns. Forty replicate tests shall comprise a complete test trial for each cigarette tested;

(4) the performance standard required by this section shall only be applied to a complete test trial; and

(5) laboratories conducting testing in accordance with this section shall implement a quality control and quality assurance program that includes a procedure to determine the repeatability of the testing results. The repeatability value shall be no greater than 0.19.

(b) Each cigarette listed in a certification submitted pursuant to section 2C that uses lowered permeability bands in the cigarette paper to achieve compliance with the performance standard set forth in this section shall have at least 2 nominally identical bands on the paper surrounding the tobacco column. At least 1 complete band shall be located at least 15 millimeters from the lighting end of the cigarette. For cigarettes on which the bands are positioned by design, there shall be at least 2 bands fully located at least 15 millimeters from the lighting end and 10 millimeters from the filter end of the tobacco column, or 10 millimeters from the labeled end of the tobacco column for a non-filtered cigarette.

(c) The manufacturer or manufacturers of a cigarette that the secretary determines cannot be tested in accordance with the test method prescribed in subsection (a) shall propose a test method and performance standard for such cigarette to the secretary. Upon approval of the proposed test method and a determination by the secretary, in consultation with the commissioner of the department of public health, that the performance standard proposed by the manufacturer or manufacturers is equivalent to the performance standard prescribed in subsection (a), the manufacturer or manufacturers may employ such test method and performance standard to certify such cigarette pursuant to section 2C. All other applicable requirements of this section shall apply to such manufacturer or manufacturers.

(d) In order to ensure compliance with the performance standard specified in subsection (a) or (c), data from testing conducted, or caused to be conducted, by manufacturers

to comply shall be kept on file by such manufacturers for a period of 3 years and shall, upon request, be sent to the secretary and to the attorney general.

(e) The secretary may adopt, by regulation, a subsequent ASTM standard test method or any other state's cigarette test method, upon a finding that such subsequent method does not result in a decrease in the percentage of full-length burns exhibited by any tested cigarette when compared to the percentage of full-length burns the same cigarette would exhibit when tested in accordance with ASTM Standard E2187-04.

(f) The secretary, in consultation with the state fire marshal, shall review the effectiveness of this section, annually, and provide the joint committee on public safety and the committees on ways and means a report detailing his findings and recommendations for legislation, if any, to improve the effectiveness of this section. The report and recommendations shall be submitted not later than June 30th each year.

(g) Nothing in this section shall prohibit any person or entity from manufacturing or selling cigarettes that do not meet the requirements of this section if such cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States and if the person or entity has taken reasonable steps to ensure that such cigarettes will not be sold or offered for sale to persons located in the commonwealth.

(h) This section shall not require additional testing if cigarettes are tested to satisfy another purpose, but are tested in a manner that satisfies this section.

Section 2C. (a) Each manufacturer shall submit to the secretary a written certification attesting that:-

(1) each cigarette listed in the certification has been tested in accordance with section 2B;

(2) each cigarette listed in the certification meets the performance standard set forth under section 2B;

(3) each cigarette listed in the certification shall be described with the following information:-

(i) brand, the trade name on the package;

(ii) style, light or ultra light;

(iii) length in millimeters;

(iv) circumference in millimeters;

(v) flavor, menthol or chocolate, if applicable;

(vi) filter or non-filter;

(vii) package description, soft pack or box; and

(viii) the marking approved in accordance with section 2C.

(b) Such certifications shall be made available to the attorney general and the department of revenue for the purposes of ensuring compliance with this section. Each cigarette certified under section 2C shall be re-certified every 3 years.

(c) For each cigarette listed in a certification a manufacturer shall pay to the secretary a $250 fee. The secretary may, by regulation, adjust this fee to an amount sufficient only to

provide for processing, testing, enforcement and oversight activities related to sections 2B to 2F, inclusive.

(d) There shall be a separate fund on the books of the commonwealth to be known as the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund. Such fund shall consist of all certification fees submitted by manufacturers and shall, in addition to any other monies made available for such purpose, be expended by the secretary, without further appropriation, and shall be used solely to support state processing, testing, enforcement and oversight activities related to implementation of sections 2B to 2F, inclusive. All payments from the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund shall be made on the audit and warrant of the state treasurer on vouchers certified and submitted by the secretary.

Section 2D. (a) Cigarettes that are certified by a manufacturer in accordance with section 2C shall be marked to indicate compliance with the requirements of section 2B. Such marking shall be in 8 point font type or larger and consist of:

(1) Modification of the product UPC code to indicate a visible mark printed at or around the area of the UPC code. Such mark may consist of alphanumeric or symbolic characters permanently stamped, engraved, embossed or printed in conjunction with the UPC code;

(2) Any visible combination of alphanumeric or symbolic characters permanently stamped, engraved, embossed or printed upon the cigarette package or cellophane wrap; or

(3) Printed, stamped, engraved or embossed text that indicates that the cigarettes meet the standards of this section.

(b) A manufacturer shall use only 1 marking and shall apply this marking uniformly for all packages including, but not limited to, packs, cartons and cases and all brands marketed by that manufacturer.

(c) The secretary shall be notified as to the marking that is selected.

(d) Prior to the certification of any cigarette, a manufacturer shall present its proposed marking to the secretary for approval. Upon receipt of the request, the secretary shall approve or disapprove the marking offered, except that the secretary shall approve any marking in use and approved for sale in New York State pursuant to the New York fire safety standards for cigarettes. Proposed markings shall be deemed approved if the secretary fails to act within 10 business days of receiving a request for approval.

(e) No manufacturer shall modify its approved marking unless the modification has been approved by the secretary in accordance with this section.

(f) Manufacturers certifying cigarettes in accordance with section 2C shall provide a copy of such certifications to all wholesale dealers and agents to which they sell cigarettes, and shall also provide sufficient copies of an illustration of the package marking utilized by the manufacturer pursuant to this section for each retailer to which the wholesale dealers or agents sell cigarettes. Wholesale dealers and agents shall provide a copy of these package markings received from manufacturers to all retail dealers to which they sell cigarettes. Wholesale dealers, agents and retail dealers shall permit the secretary, the commissioner of

the department of revenue, the attorney general, or employees thereof, to inspect markings of cigarette packaging marked in accordance with this section.

Section 2E. (a) Any manufacturer, wholesale dealer, agent or any other person or entity who knowingly sells cigarettes, other than through retail sale, in violation of section 2B shall be subject to a civil penalty not to exceed $10,000 per each such sale of such cigarettes for a first violation and a civil penalty not to exceed $25,000 per each such sale of cigarettes for a second or subsequent violation. Any retail dealer who knowingly sells cigarettes in violation of section 2B shall be subject to the following: (i) a civil penalty not to exceed $500 for a first violation, and a civil penalty not to exceed $2,000 for a second or subsequent violation, per each such sale or offer for sale of cigarettes, if the total number of cigarettes sold or offered for sale in a transaction does not exceed 1,000 cigarettes; and (ii) to a civil penalty not to exceed $1,000 for a first violation and a civil penalty not to exceed $5,000 for a second or subsequent violation, per each such sale or offer for sale of cigarettes if the total number of cigarettes sold or offered for sale in a transaction is 1,000 cigarettes or more. In addition to any penalty prescribed by law, any corporation, partnership, sole proprietor, limited partnership or association engaged in the manufacture of cigarettes that knowingly makes a false certification pursuant to section 2C shall be subject to a civil penalty not to exceed $10,000 for a first violation, and a civil penalty not to exceed $25,000 for a subsequent violation, for each such false certification made. Any person violating any other provision in this section shall be subject to a civil penalty not to exceed $1,000 for a first violation and a civil penalty not to exceed $5,000 for a second or subsequent violation, for each such violation. Any cigarettes that have been sold or offered for sale that do not comply with the safety standard required by section 2B shall be deemed contraband and subject to seizure and disposal by the commonwealth.

(b) The secretary shall enforce sections 2B to 2F, inclusive and promulgate regulations as necessary to implement and administer said sections.

(c) The secretary may, in consultation with the commissioner of revenue and the attorney general, promulgate regulations to conduct random inspections of wholesale dealers, agents and retail dealers to ensure that only cigarettes complying with sections 2B to 2E, inclusive, are sold in the commonwealth.

(d) In addition to any other remedy provided by law, the attorney general may file an action in state court for a violation of sections 2B to 2E, inclusive, including petitioning for injunctive relief or to recover any costs or damages suffered by the commonwealth due to a violation of such sections, including enforcement costs relating to the specific violation and attorney's fees. In any such action, the attorney general shall have the same authority to investigate and to obtain remedies as if the action were brought under chapter 93A. Each violation of sections 2B to 2E, inclusive, or of regulations adopted under this section constitutes a separate civil violation for which the attorney general may obtain relief.

(e) Each cigarette that is subject to sections 2B to 2E, inclusive, for which a certification in accordance with section 2C has not been filed, and the manufacturer thereof

shall not be eligible for inclusion in the directory of tobacco product manufacturers and cigarette brand families maintained pursuant to chapter 94F and no person shall: (1) affix an excise stamp to a package or other container of such cigarettes; or (2) sell, offer or possess for sale such cigarettes, unless and until certification in compliance with section 2C has been filed for such cigarettes and all penalties, costs or fees resulting from a violation of sections 2B to 2E, inclusive, relative to such cigarettes have been paid.

Section 2F. There shall be a separate fund on the books of the commonwealth to be known as the Fire Prevention and Public Safety Fund. The fund shall consist of all monies recovered as penalties under section 2E. Such monies shall be deposited to the credit of the fund and shall, in addition to any other monies made available for such purpose, be expended by the state fire marshal, without further appropriation, for fire safety and prevention programs. All payments from such fund shall be made on the audit and warrant of the state treasurer on vouchers certified and submitted by the secretary.

SECTION 2. Sections 2B to 2E, inclusive, of chapter 64C of the General Laws shall not prohibit wholesale dealers or retail dealers from selling their existing inventory of cigarettes on or after the effective date of this act if the wholesale dealer or retailer can establish that state tax stamps were affixed to the cigarettes prior to the effective date of this act and if such wholesale dealer or retailer dealer can establish that such inventory was purchased prior to such effective date, in comparable quantity to the inventory purchased during the same period of the prior year.

SECTION 3. The executive office of public safety and the department of public health shall enter into an interagency service agreement for the purpose of reimbursing the department for the cost to conduct or analyze the testing of any cigarette under sections 2B to 2E, inclusive, of chapter 64C of the General Laws.

SECTION 4. Sections 2B to 2E, inclusive, of chapter 64C of the General Laws shall not apply if a federal cigarette fire safety performance standard becomes effective, and the secretary makes a determination that such standard provides equal or stronger protections against cigarette-caused fires. Portions of this act shall not apply only to the extent expressly preempted by federal law.

SECTION 5. This act shall take effect on January 1, 2008.

SECTION 6. This act shall be known as the Kearney O'Neill McGovern Law.

Approved July 8, 2006.

Chapter 141. AN ACT AUTHORIZING THE APPOINTMENT OF LORI MONIZ AS A RESERVE POLICE OFFICER FOR THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

SECTION 1. The personnel administrator of the human resources division shall cer-

tify Lori Moniz to be eligible for appointment as a reserve police officer in the city of Taunton.

SECTION 2. This act shall take effect upon its passage.

Approved July 8, 2006.

Chapter 142. AN ACT TRANSFERRING EMPLOYEES OF THE BERKSHIRE REGIONAL PLANNING COMMISSION TO THE STATE RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the accumulated deductions, including interest, credited as of July 1, 2006 to the annuity savings accounts of persons employed by the Berkshire regional planning commission who are members of the Pittsfield retirement system shall be transferred to the state employees' retirement system. The public employee retirement administration commission shall certify to the state board of retirement that the amounts transferred under this act are accurate.

SECTION 2. Upon completion of the required documentation and acceptance by the state board of retirement under applicable law and regulations, persons employed by the Berkshire regional planning commission who are members of the Pittsfield retirement system shall become members of the state employees' retirement system as of July 1, 2006, and shall be subject to the rules and regulations of that system.

SECTION 3. Under paragraph (c) of subdivision (8) of section 3 of chapter 32 of the General Laws, the Pittsfield retirement system shall reimburse the state employees' retirement system for the amount of any retirement allowance paid to employees transferred under this act that is attributable to their creditable service while employees of the Berkshire regional planning commission and members of the Pittsfield retirement system. This provision shall have no effect on any other liability under said chapter 32 that the Pittsfield retirement system may have to the state employees' retirement system.

SECTION 4. The state board of retirement shall not be responsible for any amount of retirement allowance, disability allowance, or other benefit under said chapter 32 for any employee, survivor or beneficiary of the Berkshire regional planning commission due on or before July 1, 2006 from the Pittsfield retirement system, or for any portion of any unfunded liability that may exist for an employee, survivor, or beneficiary of the Berkshire regional planning commission related to the Pittsfield retirement system.

SECTION 5. Employees of the Berkshire regional planning commission shall be eligible for membership in the state employees' retirement system only if they meet the state board of retirement's membership requirements. Members of the Berkshire regional plan-

ning commission shall conform to the state board of retirement's payroll reporting requirements.

Approved July 8, 2006.

Chapter 143. AN ACT RELATIVE TO WIRELESS COMMUNICATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to expand forthwith wireless communication capacity, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 25A of chapter 166 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the definition of "Usable Space" the following definition:-

"Wireless provider", any person, firm or corporation other than a utility, which provides telecommunications service.

A utility shall provide a wireless provider with nondiscriminatory access to any pole or right-of-way used or useful, in whole or in part, owned or controlled by it for the purpose of installing a wireless attachment. Notwithstanding this obligation, a utility may deny a wireless provider access to its poles, ducts, conduits, or rights-of-way, on a nondiscriminatory basis only for reasons of inadequate capacity, safety, reliability and generally applicable engineering standards; but upon denial of access for reasons of inadequate capacity, the utility shall, at the expense of the wireless provider, expand the capacity of its poles, ducts, conduits, or rights-of-way to allow access by the wireless provider where such capacity may be reasonably expanded by rearrangement or replacement. This paragraph shall not apply to municipal lighting plants.

Approved July 8, 2006.

Chapter 144. AN ACT DEFINING A MEDICAL DEVICE COMPANY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to define forthwith a medical device company, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 63 of the General Laws is hereby amended by inserting after section 31K the following section:-

Section 31L. (a) As used in this section the following words shall, unless the context otherwise requires, have the following meanings:-

"Department", the department of revenue.

"Medical device", an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including a component part or accessory, which is recognized in the official National Formulary or the United States Pharmacopoeia, or any supplement thereto, intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease in humans or other animals, and which does not achieve any of its primary intended purposes through chemical action within or on the body of a human or other animals and which is not dependent upon being metabolized for the achievement of its primary intended purposes.

"Medical device company", (1) a domestic corporation organized under or subject to chapter 156B or chapter 156D, (2) a limited liability company organized under chapter 156C and otherwise subject to this chapter, or (3) a corporation, organization or association, established, organized or chartered under laws other than those of the commonwealth and otherwise subject to this chapter and, in each case, which has a usual place of business within the commonwealth wherein medical devices are developed or manufactured.

"Medical device tax credit", the tax credit established pursuant to this section that the medical device company generated but was unable to claim as of the close of the last taxable year for which a return was filed because of limited tax liability.

"Private financial assistance", the proceeds of the sale of available tax credits pursuant to this section.

"User fees", the monetary amount actually paid by a medical device company to the United States Food and Drug Administration during the taxable year for a pre-market approval to market new technologies developed or manufactured in the commonwealth or for a clearance pursuant to section 510(k) of the Federal Food, Drug, and Cosmetic Act 21 U.S.C. 360e and 360 to market upgrades, changes or enhancements to existing technologies that are developed or manufactured in the commonwealth as stipulated in United States Public Law 107-250, the Medical Device User Fee and Modernization Act.

(b) There shall be allowed to any medical device company as a credit against the tax liability imposed under this chapter an amount equal to 100 per cent of the cost of user fees paid by such medical device company during the taxable year for which the tax is due.

(c) The department shall establish a medical device tax credit transfer program to allow medical device companies doing business in the commonwealth with unused medical device tax credits to transfer such credits for use by a purchasing company in exchange for private financial assistance to be provided by such company to assist in the funding of costs incurred by the medical device companies. The private financial assistance shall be used to fund expenses incurred in connection with the operation of the medical device company in the commonwealth, including costs associated with fixed assets, such as the construction and acquisition and development of real estate, materials, start-up, tenant fit-out, working capital,

salaries, research and development expenditures, and any other expenses determined by the department to be necessary to carry out the purposes of the program. A medical device company that wishes to participate in the program shall file an application with the department on a form prescribed by the department that sets forth the medical device tax credit amounts eligible for transfer, the use to which the medical device company intends to put the private financial assistance to be provided, the identity of the purchasing company, the amount of the financial assistance to be provided, and such other information as the department may require. No such medical device tax credits may be surrendered unless the purchasing company provides financial assistance in an amount at least equal to 75 per cent of the medical device tax credit amounts eligible to transfer. The department shall review such application and, if the proposed transfer meets the requirements of this section the department shall issue, upon receipt of a notarized statement signed under the pains and penalties of perjury by an authorized representative of the medical device company that the purchasing company has provided the specified financial assistance, a certificate to the purchasing company reflecting the medical device tax credit amounts transferred, a copy of which shall be attached to each tax return by a purchasing company in which such medical device tax credits are used. The purchasing company shall treat the medical device tax credit amounts purchased under the program as a credit against its excise under this chapter. The purchasing company must use the medical device tax credit amounts in tax returns filed within 5 years of the issuance of the certificate, after which period the credits will expire. The purchasing company may not use the medical device tax credit amounts to reduce the excise tax to less than the amount due under subsection (b) of section 32, or subsection (b) of section 39. No medical device company surrendering medical device tax credits under the program may use the benefits to reduce its tax liability under this chapter.

(d) The commissioner shall promulgate rules and regulations relative to the administration and enforcement of this section.

Approved July 8, 2006.

Chapter 145. AN ACT ESTABLISHING A MEDICAL DEVICE TAX CREDIT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith a medical device tax credit, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 62 of the General Laws is hereby amended by inserting after section 6 the following section:—

Section 6½. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:—

"Department", the department of revenue.

Medical device", an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including a component part or accessory, which is recognized in the official National Formulary or the United States Pharmacopeia, or any supplement thereto, intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease in humans or other animals and which does not achieve any of its primary intended purposes through chemical action within or on the body of a human or other animal and which is not dependent upon being metabolized for the achievement of its primary intended purposes.

"Medical device company", a sole proprietorship, partnership, limited liability company, corporate trust, corporation or other business: (i) the income of which is taxed directly to the business or its owners under this chapter; and (ii) that has a facility located in the commonwealth which develops or manufactures medical devices.

"Medical device tax credit", the tax credit established under this section that a medical device company generated but was unable to claim as of the close of the last taxable year for which a return was filed because of limited tax liability.

"Private financial assistance", the proceeds of the sale of available tax credits under this section.

"User fees", the monetary amount actually paid by a medical device company to the United States Food and Drug Administration during the taxable year for pre-market approval to market new technologies developed or manufactured in the commonwealth or for a clearance under section 510(k) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 360e and 360, to market upgrades, changes or enhancements to existing technologies that are developed or manufactured in the commonwealth as stipulated in United States Public Law 107-250, federal Medical Device User Fee and Modernization Act.

(b) There shall be allowed to any medical device company as a credit against any tax liability imposed under this chapter an amount equal to 100 per cent of the cost of user fees paid by that medical device company during the taxable year for which the tax is due.

(c) The department shall establish a medical device tax credit transfer program to allow medical device companies doing business in the commonwealth with unused medical device tax credits to transfer those credits for use by a purchasing company in exchange for private financial assistance to be provided by that company to assist in the funding of costs incurred by the medical device companies. The private financial assistance shall be used to fund expenses incurred in connection with the operation of the medical device company in the commonwealth, including costs associated with fixed assets, such as the construction, acquisition and development of real estate, materials, start-up, tenant fit-out, working capital, salaries, research and development expenditures, and any other expenses determined by the department to be necessary to carry out the purposes of the program. A medical device company that wishes to participate in the program shall file an application with the department on a form prescribed by the department that sets forth the medical device tax credit amounts eligible for transfer, the use to which the medical device company intends to put the private

financial assistance to be provided, the identity of the purchasing company, the amount of the financial assistance to be provided and such other information as the department may require. No medical device tax credits may be surrendered unless the purchasing company provides financial assistance in an amount equal to at least 75 per cent of the medical device tax credit amounts eligible to transfer.

The department shall review the application and, if the proposed transfer meets the requirements of this section, the department shall, upon receipt of a notarized statement signed under the pains and penalties of perjury by an authorized representative of the medical device company that the purchasing company has provided the specified financial assistance, issue a certificate to the purchasing company reflecting the medical device tax credit amounts transferred, a copy of which shall be attached to each tax return by a purchasing company in which the medical device tax credits are used. The purchasing company shall treat the medical device tax credit amounts purchased under the program as a credit against its tax liability under this chapter. The purchasing company must use the medical device tax credit amounts so treated in tax returns filed within 5 years of the issuance of the certificate, after which period the credits will expire. The purchasing company may not use the medical device tax credit amounts to reduce the income tax to less than the amount due under section 4. No medical device company surrendering medical device tax credits under the program may use the benefits to reduce its tax liability under this chapter.

(d) The commissioner shall promulgate rules and regulations relative to the administration and enforcement of this section.

Approved July 8, 2006.

Chapter 146. AN ACT RELATIVE TO THE MEDICAL ASSISTANCE TRUST FUND.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to transfer forthwith certain funds to the medical assistance trust fund, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The comptroller shall, in consultation with the office of the state treasurer, the executive office for administration and finance, and the executive office of health and human services, develop a schedule and make a series of transfers not to exceed $346,000,000 from the General Fund to the MassHealth provider payment account in the Medical Assistance Trust Fund.

The foregoing was laid before the Governor on the Thirtieth day of June, 2006 and

after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 147. AN ACT RELATIVE TO CERTAIN PROGRAMS WITHIN THE DEPARTMENT OF PUBLIC HEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to expend forthwith funds for certain programs within the department of public health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Item 4512-0200 of section 2 of said chapter 45 of the acts of 2005 is hereby amended by inserting after the words "personnel-related costs" the following words:- provided further, that the commissioner of public health shall ensure that the funding is allocated in a manner that reflects the need among demographic groups; provided further, that the commissioner of public health shall ensure that the funding is allocated for the purpose of a comprehensive, accessible continuum of substance abuse treatment and prevention programs, which shall include, but not be limited to, acute treatment services with options for extended duration beyond 3 to 5 days, post-detox step-down services up to 30 days, including 24-hour services with beds, comprehensive adolescent services including stabilization and structured out-patient addiction programs with shelter and transitional services, residential and ambulatory services for adults and youth, and prevention programs; provided further, that there shall be a particular focus on increasing the capacity to serve individuals without insurance, or, if there are no other payers for needed services, on individuals within the court system or exiting correctional facilities and who are in need of treatment; provided further, that $8,000,000 shall be expended for an increase of $20 in the daily unit rate for currently licensed recovery home beds while maintaining current capacity; provided further, that not less than $2,250,000 shall be expended to provide for one-time startup costs for three sobriety high schools in the following regions of the commonwealth: greater Boston, greater Springfield and the north shore; provided further, that said costs shall include, but not be limited to, personnel costs such as salaries, and operating costs such as the lease of the schools, the renovation of the schools, furniture, books and desks; provided further, that not less than $1,500,000 shall be expended to establish a 25 bed program for crisis stabilization services for 13-18 year olds with the capacity to medically monitor for alcohol and drug use related withdrawal symptoms and co-occurring mental health issues; provided further, that $1,500,000 be expended for substance abuse and mental health pilot programs in houses of correction in Hampden county, Norfolk county, Middlesex county and Barnstable county; provided further, that one counselor shall be assigned for every two hundred inmates within

each facility; provided further, that said pilot programs shall report upon the progress of the program and the rate of recidivism bi-annually to the joint chairpersons of the mental health and substance abuse committee and to the chairpersons of the house and senate committee on ways and means; provided further, that not less than $1,000,000 shall be provided to the Essex county district attorney to develop a pilot program for non-violent offenders in a non-correctional locked down substance abuse treatment facility; provided further, that said offenders agree to enter said treatment facility and complete treatment and pay restitution for any crimes committed on the condition that their arraignment be held in abeyance; provided further, that other district attorneys may utilize said program upon mutual agreement of all parties; provided further, that not less than $750,000 shall be expended for CasaStart, a comprehensive program designed to target youth and families at risk for crime and drug involvement; provided further, that not less than $400,000 shall be expended to fund 10 beds through the CAB program in conjunction with the H.E.A.T. program at the Woburn District Court; provided further, that not more than $150,000 shall be expended for the Hampden county sheriff to design and operate an innovative residential program for recently released female offenders in the Springfield area; provided further, that not less than $149,990 shall be expended for Casa Esperanza; and provided further that $100,000 shall be expended for the prevention of substance abuse in the town of Saugus.

The foregoing was laid before the Governor on the Thirtieth day of June, 2006 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 148. AN ACT AUTHORIZING THE TRANSFER OF FUNDS FOR ENVIRONMENTAL CLEAN-UP PURPOSES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the transfer of funds for environmental clean-up purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer $30,000,000 from the General Fund to the Brownfields Redevelopment Fund established pursuant to section 29A of chapter 23G of the General Laws; provided however, that not more than $1,200,000 of this amount shall be used by the Massachusetts Development Finance Agency to fund a pilot program for grants, not to exceed $350,000 per project, to be used for asbestos and lead paint abatement; provided, however, that not more than $200,000 of said $1,200,000, shall be used to study the efficacy, the continued need for, and the potential costs of extending said pilot

program; and provided further, that the Massachusetts Development Finance Agency shall provide a detailed written report of its findings following said study no later than July 31, 2007 to the house and senate chairs of the committee on ways and means, the chairs of the joint committee on community development and small business and the chairs of the joint committee on economic development and emerging technologies.

The foregoing was laid before the Governor on the Thirtieth day of June, 2006 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 149. AN ACT RELATIVE TO MATCHING GRANTS FOR VARIOUS SCHOOL-TO-WORK PROGRAMS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the transfer of funds for environmental clean-up purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 2 of said chapter 45 of the acts of 2005 is hereby further amended by striking out item 7027-0016 and inserting in place thereof the following item:-

7027-0016 For matching grants for various school-to-work programs; provided, that the board of education shall establish guidelines for such programs in consultation with the department of workforce development; provided further, that any funds distributed from this item to cities, towns or regional school districts shall be deposited with the treasurer of the city, town, or regional school district and held in a separate account and shall be expended by the school committee without further appropriation, notwithstanding any general or special laws to the contrary; provided further, that each grant awarded herein shall be matched by the recipient from local, federal, or private funds; provided further, that the board of education may determine the percentage match required on an individual grant basis; provided further, that the department of education shall make available a payment of $734,400 for the state's matching grant for the CS-squared program at the Commonwealth Corporation; provided further, that the department of education shall make available a payment of $1,092,191 to Jobs for Bay State Graduates, Inc., for the purpose of school-

to-work activities; provided further, that the department of education shall make available a payment of $42,975 to the Blue Hills regional vocation school for the School to Careers Partnership to fund a teacher externship program and a student internship program; provided further, that $250,000 shall be expended for a pilot program that targets at-risk youth, Amer-I-Can and provided further, that of this $250,000, funds may be expended for the administration of this program in Springfield; provided further, that not less than $50,000 shall be expended for the Diploma Plus Program at Cape Cod Community College; provided further, that $1,500,000 shall be expended for a workforce development program within the city of Boston at the John D. O'Bryant High School, designed to operate in collaboration with the medical and academic institutions located in Boston's Longwood area of said city and the Medical Academic Scientific Community Organization; provided further, that $250,000 shall be expended for the costs associated with the planning and design of a new Essex North Shore Agricultural and Technical School in the town of Danvers; and provided further, that not less than $350,000 shall be made available to Junior Achievement of Eastern Massachusetts for the expansion and delivery of in-school and after-school community based workforce development programs for at-risk and under-served students in Massachusetts; provided further, that $350,000 shall be expended for a pilot program targeting Roxbury/Mission Hill/Dorchester residents, including veterans, for a workforce development recruiting and training program center at Roxbury Community College in collaboration with community based organizations and medical and academic institutions in the Longwood area of the city and the Medical Academic and Scientific Community Organization Inc 4,619,566

The foregoing was laid before the Governor on the Thirtieth day of June, 2006 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 150. AN ACT REGULATING REDUCTION IN RANK FOR MEMBERS OF THE FIRE DEPARTMENT OF THE TOWN OF SWAMPSCOTT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 33 or the first sentence of section 39 of chapter 31 of the General Laws or any other general or special law or rule or regulation to the contrary, if a permanent employee of the fire department of the town of Swampscott serving in any position with a title above the lowest title in that department is to be separated from that position because of a lack of money or the abolition of the position, the employee shall be separated from his position according to the employee's seniority in the position based on the employee's length of service in the position after permanent promotion in the department and shall be reinstated to the position held according to that seniority, but this act shall apply only to reductions in force resulting in demotions from title above the lowest title in the department to the next lower title or titles in succession in the department and shall not affect the seniority of any employee in service for any other purpose, including but not limited to, the separation of any permanent employee from service in the department.

SECTION 2. This act shall take effect upon its passage.

Approved July 13, 2006.

Chapter 151. AN ACT AUTHORIZING THE DEDHAM-WESTWOOD WATER DISTRICT TO JOIN THE NORFOLK COUNTY RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the Dedham-Westwood Water District, upon a vote of the district board, may accept the applicable provisions of chapter 32 of the General Laws and thereby cause all eligible employees of the district to become members of the Norfolk county retirement system, effective July 1, 2006.

SECTION 2. This act shall take effect upon its passage.

Approved July 13, 2006.

Chapter 152. AN ACT ALLOWING STUDENTS WITH DISABILITIES TO PARTICIPATE IN GRADUATION CEREMONIES.

Be it enacted, etc., as follows:

Chapter 71B of the General Laws is hereby amended by adding the following section:-

Section 16. A school age child with a disability, in this section called a student, who is completing the twelfth grade but who has not yet earned the competency determination as required under section 1D of chapter 69 for high school graduation, shall be allowed to participate fully in high school graduation ceremonies and activities conducted or sponsored by the school or school committee even though the student will not receive a diploma during the ceremony if:-

(a) The student has maintained at least a 95 per cent attendance level, meaning no more than 9 days of absence from school in a 180 day school year, during the school year before the twelfth grade, but, a student's absence from school due to disability, illness, religious observance or other reason that constitutes an excused absence under the school's or school committee's rules shall not be counted for purposes of this section;

(b) The student has taken the grade 10 MCAS examination in each subject area in which the student did not achieve a passing score at least 3 times, or has participated in the MCAS alternate assessment by submitting at least 2 portfolios; and

(c) The student is in good standing, having met all of the school's or school committee's nonacademic standards for students to be eligible to participate in graduation ceremonies and related school activities.

Nothing in this section shall compel a student to participate in the high school graduation ceremony and activities. The superintendent shall consider the recommendation, if any, of the student's individualized education program team as well as the student's own expressed preference. A student's participation in the high school graduation ceremony and activities without award of the high school diploma shall not affect or limit the student's eligibility for special education services.

Approved July 13, 2006.

Chapter 153. AN ACT MAKING CERTAIN SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2007 AND TO PROVIDE FOR THE INSPECTION AND SAFETY OF THE INTERSTATE HIGHWAY ROUTE 90 CONNECTOR TUNNEL AND ALL TUNNELS OF THE METROPOLITAN HIGHWAY SYSTEM.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the safety and inspection of all tunnels within the metropolitan highway system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted, etc., as follows:

SECTION 1. The executive office of transportation shall have the authority to retain the services of an independent inspection firm or consultant to conduct an immediate and exhaustive safety and engineering inspection related to the failed ceiling and fastening system in the interstate highway route 90 connector tunnel. Such retention shall not be subject to chapter 30B of the General Laws. The interstate highway route 90 connector tunnel shall not be re-opened until such time as the governor, in consultation with the executive office of transportation, approves its re-opening.

SECTION 2. Notwithstanding any general or special law to the contrary, the inspection firm or consultant retained pursuant to section 1 shall have unlimited access to all Massachusetts turnpike authority facilities, plans, reports, drawings and documents, without reservation, that it shall deem necessary to carry out the immediate and exhaustive inspection. In connection with such inspection, all Massachusetts turnpike authority personnel shall report to the executive office of transportation and shall cooperate fully with the executive office of transportation and the independent inspection firm or consultant, and upon the request of the executive office of transportation, the Massachusetts Turnpike Authority shall direct any of its contractors to report directly to the executive office of transportation.

SECTION 3. Once the interstate highway route 90 connector tunnel is re-opened, there shall be appropriated $20 million from the General Fund for a comprehensive critical infrastructure safety audit of all tunnels part of the metropolitan highway system. The executive office of transportation shall retain the services of an independent inspection firm or consultant to conduct such audit. Such retention shall not be subject to chapter 30B of the General Laws. The governor, after consultation with the executive office of transportation, shall have the authority to order the closure of any tunnel deemed unsafe for travel.

SECTION 4. Notwithstanding any general or special law to the contrary, the independent inspection firm or consultant retained pursuant to section 3 shall have unlimited access to all Massachusetts turnpike authority facilities, plans, reports, drawings and documents, without reservation, that it shall deem necessary to carry out the comprehensive inspection. In connection with such audit, all Massachusetts turnpike authority personnel shall report to the executive office of transportation and shall cooperate fully with the executive office of transportation and the independent inspection firm or consultant.

Approved July 14, 2006.

Chapter 154. AN ACT CHANGING THE DATE FOR PRELIMINARY ELECTIONS IN THE CITY OF HOLYOKE.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 327 of the acts of 1957 is hereby further amended by striking out the word "fourth", inserted by section 1 of chapter 173 of the acts of 1959,

and inserting in place thereof the following word:- sixth.

SECTION 2. The order in which names of candidates appears on election ballots for any municipal office shall be determined by a drawing by lot.

Approved July 19, 2006.

Chapter 155. AN ACT AUTHORIZING THE TOWN OF DARTMOUTH TO BORROW MONEY TO FUND CERTAIN PAYMENTS.

Be it enacted, etc., as follows:

SECTION 1. The town of Dartmouth may borrow up to $850,000 for legally obligated medical expenses incurred from November 2005 through September 2006 for its public safety personnel and may issue bonds and notes for this amount, payable up to a maximum of 20 years from their date. The town may also issue temporary loans in anticipation of this borrowing under section 17 of chapter 44 of the General Laws. Bonds and notes may be issued under this act by the town treasurer with the approval of the select board, and the proceeds may be expended without further authorization or appropriation by the town. Indebtedness incurred under this act shall not be included in determining the limit of indebtedness of the town under section 10 of said chapter 44 but, except as provided in this act, shall otherwise be subject to said chapter 44.

SECTION 2. This act shall take effect upon its passage.

Approved July 19, 2006.

Chapter 156. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO GRANT CERTAIN EASEMENTS TO THE TOWN OF PRINCETON OVER LANDS HELD FOR CONSERVATION AND RECREATION PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance, on behalf of and in consultation with the commissioner of conservation and recreation, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, may grant 2 easements in a certain parcel of land, currently under the care and control of the department of conservation and recreation for recreation purposes, to the town of Princeton, for public utility access and purposes, subject to the requirements of sections 2, 3, 4 and 6, and such additional terms and conditions consistent with this act as the commissioner of the division

of capital asset management and maintenance may prescribe in consultation with the department of conservation and recreation. The easements are shown on a plan entitled "Princeton Wind Farm Infrastructure Improvements, Princeton, Massachusetts", dated February 25, 2004, and prepared by Epsilon Associates and on plan entitled "Windmill Farm Access Road Plan and Details", dated March 9, 2004, and prepared by Goldsmith, Prest & Ringwall, Inc. The easements are further described as follows:

The first easement, known as Stage Coach Trail Access Road, may be granted for the purpose of maintaining a gravel access road to the town of Princeton's wind farm. This easement allows for the right to enter upon and use said Stage Coach Trail Access Road to access land of the town of Princeton, subject to such reasonable conditions as may be imposed by the department of conservation and recreation consistent with any certificate of the secretary of environmental affairs in the matter of EOEA file number 13229. The second easement, known as the overhead wind farm electrical feeder, may be granted for the maintenance, improvement, replacement and operation of wires, pipes, conduits, poles and other appurtenances to convey electricity and telephone communications from Westminster road in Princeton to the town of Princeton's wind farm. The exact boundaries of the easements shall be determined by the commissioner in consultation with department of conservation and recreation after completion of a survey.

SECTION 2. No instrument granting, by or on behalf of the commonwealth, the easements described in section 1 shall be valid unless such instrument provides that the easements shall be used solely for the purposes described in section 1. The grant of easement shall stipulate that the easements granted thereby shall terminate if the property ceases to be used for the express purpose set forth in the instrument granting the easements.

SECTION 3. The grantees of the easements shall assume the cost of any appraisals, surveys and other expenses deemed necessary by the commissioner of the division of capital management and maintenance for the granting of title or easement.

SECTION 4. The grantees shall compensate the commonwealth through: the transfer of land or an interest of land to the department of conservation and recreation, equal to or greater than the full and fair market value of the property described in section 1, or its value in use as proposed, whichever is greater, as determined by independent appraisal; or, in a sum equal to the full and fair market value of the property or its value in use as proposed, whichever is greater, as determined by independent appraisal; or through some combination thereof, including, but not limited to, extinguishing the town of Princeton's existing easement over lands under the care, custody and control of the department of conservation and recreation within the town of Princeton. This easement is known as the legal right of way to the wind farm, located on Westminster road in Princeton. The town of Princeton shall also transfer certain lands along the south-east border of its 16 acre wind farm site known as the Harrington trail and such other lands, interests in lands or provision of services as may be set forth in the secretary's certificate in the matter of EOEA File Number 13229.

SECTION 5. The commissioner of the division of capital asset management and maintenance shall, no later than 30 days before the execution of any grant of easement or

agreement authorized by this act, or any subsequent amendment thereof, submit the grant of easement, agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of any grant of easement, agreement or amendment. The commissioner of the division of capital asset management and maintenance shall submit the grant of easement or agreement and any subsequent amendments thereof, the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on bonding, capital expenditure and state assets at least 15 days before the execution. The grantees of the property shall transfer the land or interest in land or pay the purchase price, as determined in accordance with section 4, as set forth in the agreement and section 6.

SECTION 6. Any compensation, whether in the form of property or funds, received by the commonwealth pursuant to sections 4 and 5 shall be deposited in the Conservation Trust established pursuant to section 1 of chapter 132A of the General Laws for capital improvements within state forests and parks to enhance conservation, recreation and public access.

Approved July 19, 2006.

Chapter 157. AN ACT ESTABLISHING NURSING FACILITY MEDICAID RATES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to adjust forthwith the per diem rates to reflect any reduction in Medicaid utilization, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. (a) Notwithstanding any general or special law to the contrary, in fiscal year 2007, the division of health care finance and policy, referred to in this section as the division, shall establish nursing facility Medicaid rates, payable out of the Health Care Quality Improvement Trust Fund, established under section 2EEE of chapter 29 of the General Laws, effective July 1, 2006 through June 30, 2007 that cumulatively total $288,500,000 more than the annual payment rates established by the division under the rates in effect as of June 30, 2002, as mandated under section 1 of chapter 42 of the acts of 2003. The division shall adjust per diem rates to reflect any reductions in Medicaid utilization. Payments from the fund shall be allocated in the following manner in fiscal year 2007:

(1) effective July 1, 2006, an annual amount of $99,000,000 in the aggregate to fund the use of 2000 base year cost information for rate determination purposes; provided, that $9,000,000 of this amount shall be expended for purposes of reimbursing nursing facilities

for up to 10 bed hold days for patients of the facility on medical and non-medical leaves of absence;

(2) effective July 1, 2006, an annual amount of $122,500,000 for enhanced payment rates to nursing homes;

(3) effective July 1, 2006, an annual amount of $50,000,000 to fund a rate add-on for wages, hours and benefits and related employee costs of direct care staff of nursing homes. As a condition for such a rate add-on, the division shall require that each nursing home document to the division that such funds are spent only on direct care staff by increasing the wages, hours and benefits of direct care staff, increasing the facility's staff-to-patient ratio, or by demonstrably improving the facility's recruitment and retention of nursing staff to provide quality care, which shall include expenditure of funds for nursing facilities which document actual nursing spending that is higher than the median nursing cost per management minute in the base year used to calculate Medicaid nursing facility rates. A facility's direct care staff shall include all nursing personnel including registered nurses, licensed practical nurses, and certified nurses' aides hired by the facility from any temporary nursing agency or nursing pool registered with the department of public health. The division shall credit wage increases that are over and above any previously collectively bargained wage increases. In monitoring compliance for this rate add-on, the division's regulations shall adjust any spending compliance test to reflect any Medicaid nursing facility payment reductions, including, but not limited to, rate reductions imposed on or after October 1, 2002. The expenditure of these funds shall be subject to audit by the division in consultation with the department of public health and the executive office of health and human services. In implementing this section, the division shall consult with the Nursing Home Advisory Council;

(4) effective July 1, 2006, an annual amount of $17,000,000 (a) to fund rate adjustments for reasonable capital expenditures by nursing homes, giving priority to nursing homes located or constructed in under-bedded areas as determined by said executive office, in consultation with the division, that meet quality standards established by the executive office of health and human services in conjunction with the department of public health and the division for the purposes of encouraging the upgrading and maintenance of quality of care in nursing homes; and (b) to fund rate adjustments to eligible nursing homes that meet utilization standards established by the executive office of health and human services in consultation with the division for the purpose of reducing unnecessary nursing home admissions and facilitating the return of nursing home residents of non-institutional settings. To the extent that the annual amount of $17 million in this clause is not fully allocated, the division shall first provide operating or capital rate adjustments for publicly operated, urban and geographically-isolated nursing homes;

(5) $300,000 for the purposes of an audit of funds distributed under clause (3). The division, in consultation with the department of public health and with the assistance of the executive office of health and human services, shall establish penalties sufficient to deter noncompliance to be imposed against any facility that expends any or all monies in violation

of clause (3), including but not limited to recoupment, assessment of fines or interest. The division shall report to the house and senate committees on ways and means not later than October 1, 2007 a preliminary analysis of funds expended under this subsection in fiscal year 2006 and a description and timeline for auditing of these funds;

(6) $250,000 to fund expenses of the division related to the implementation and administration of section 25 of chapter 118G of the General Laws; and

(7) an amount sufficient to implement section 622 of chapter 151 of the acts of 1996;

(b) The comptroller shall transfer from the Health Care Security Trust Fund to the Health Care Quality Improvement Trust Fund on the first business day of each quarter, the amount indicated by the division and the executive office of health and human services to provide the appropriate rate increases to nursing homes; and provided further, that any additional funds that may become available in the Health Care Quality Improvement Trust Fund due to decreased Medicaid utilization shall first fund a per-diem rate add-on for large Medicaid providers as specified in 114.2 CMR 6.06 (10) (a), as in effect on September 1, 2003 and then fund further enhanced rates to nursing homes.

SECTION 2. This act shall take effect as of July 1, 2006.

Approved July 19, 2006.

Chapter 158. AN ACT AUTHORIZING CERTAIN TERMS FOR BORROWING BY THE TOWN OF HOPKINTON FOR CONSTRUCTION OF SCHOOL BUILDINGS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapters 44 and 70B of the General Laws or any other general or special law to the contrary, the maturities of bonds issued by the town of Hopkinton for design, development, construction and equipping of the proposed new Fruit Street elementary school and early childhood center buildings and for any proposed improvements, equipment and furnishings, and repair and renovation of the Elmwood elementary school either shall be arranged so that the annual combined payments of principal and interest payable in each year, commencing with the first year in which a principal payment is required, shall be as nearly equal as practicable in the opinion of the town treasurer, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal. The first payment of principal shall not be later than the eighth year following the date of the bonds. The last payment of principal shall not be later than 30 years after the date of the bonds. Project costs to be financed by the issue of the bonds and of any bond anticipation notes issued for the project may include interest incurred on the bond anticipation notes and on the bonds for a period of up to 1 year after the estimated completion of the school projects, as determined by the town treasurer. The stated purpose

of these provisions shall be to minimize the aggregate tax impact on current residents and to allow future residents to pay a more appropriate portion of the debt service commensurate with future use. This act shall have no effect on the town of Hopkinton's status or eligibility for funds under chapter 70B of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Approved July 19, 2006.

Chapter 159. AN ACT FURTHER REGULATING THE COMPENSATION OF THE COMMISSION MEMBERS OF THE GREATER LAWRENCE SANITARY DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The fourth paragraph of section 2 of chapter 750 of the acts of 1968 is hereby amended by striking out the second sentence and inserting in place thereof the following 2 sentences:— Before the end of each fiscal year, the commission shall determine by a majority vote the compensation to be paid to commission members in the following fiscal year, but in no event shall the amount exceed $3,600 per member. Commission members shall be reimbursed for expenses incurred.

SECTION 2. This act shall take effect as of January 1, 2006.

Approved July 19, 2006.

Chapter 160. AN ACT RELATIVE TO CLINICAL LABORATORIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to clarify and amend certain authorization, claims and billing procedures concerning clinical laboratories, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 111D of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word 'osteopath', in lines 22 and 32, the following words:- or, for the sole purpose of requesting urine drug screening, department of public health-licensed substance abuse programs, state agencies or those vendors that contract with state agencies and are designated by the contracting agency to request such screenings.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the executive office of health and human services shall promulgate regulations for the MassHealth program that are designed to: (a) streamline and simplify signature authorization procedures for clinical laboratory services and, specifically, to exclude as a condition of payment for any laboratory test order form a handwritten signature; (b) clarify the billing procedures for specimen referral where the referring laboratories and testing laboratories are subsidiary related; and (c) require the referring laboratory to disclose on its claim forms the MassHealth provider number for the testing laboratory and the tests performed by the testing laboratory.

Approved July 19, 2006.

Chapter 161. AN ACT RELATIVE TO CREDITABLE SERVICE FOR CERTAIN STATE CONTRACT EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. Subdivision (1) of section 4 of chapter 32 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:-

(s) Any member in service of the state employees' retirement system who, immediately preceding the establishment of membership in that system or re-entry into active service in that system, was compensated for service to the commonwealth as a contract employee for any department, agency, board or commission of the commonwealth may establish as creditable service up to 4 years of that service if the member has 10 years of creditable service with the state employees' retirement system, and if the job description of the member in the position which the member holds upon entry into service or re-entry into active service is substantially similar to the job description of the position for which the member was compensated as a contract employee. No credit shall be allowed until the member has paid into the Annuity Savings Fund of the state employees' retirement system before any retirement allowance becomes effective for the member, in a lump sum or in installments, upon the terms and conditions that the state board of retirement prescribes, makeup payments of an amount equal to that which would have been withheld as regular deductions for the service as a contract employee if the service had been rendered as a state employee and the member had been a member of the state employees' retirement system during the period the service was rendered, plus buyback interest on that amount. Eligible members who worked part-time as contract employees shall be eligible for creditable service proportionately equal to their part-time service.

Upon completion of the payments, the member shall receive the same credit for the period of previous service as a contract employee as would have been allowed if the service

had been rendered by the member as a state employee. Members in service of the state retirement system who make application for this creditable service shall, subject to the rules and regulations of the state board of retirement, be notified by the state board of retirement of their eligibility for creditable service and, if they are eligible, shall also be notified by the state board of retirement that they have the following options: (1) to purchase the service in a lump sum within 180 days after the date of the notice; or (2) to enter into an installment agreement within 180 days after the date of the notice to pay for the service. No creditable service shall be allowed under this section unless the member provides documentation of the member's service as a contract employee satisfying the state board of retirement's requirements.

SECTION 2. Paragraph (e) of subdivision (2) of section 7 of said chapter 32, added by section 1 of chapter 157 of the acts of 2005, is hereby amended by adding the following sentence:— The teachers' and state employees' retirement systems shall be considered to have accepted this paragraph.

SECTION 3. Paragraph (b) of subdivision (2) of section 26 of chapter 32, as appearing in the 2004 Official Edition, is hereby amended by adding the following subparagraph:-

(iv) Any member retired under this subdivision who is a veteran, as defined in section 1, shall receive an additional yearly retirement allowance of $15 for each year of creditable service or fraction of a year, but the total amount of this additional yearly retirement allowance shall not exceed $300.

SECTION 4. Section 2 of chapter 157 of the acts of 2005 is hereby amended by adding the following sentence:— The teachers' and state employees' retirement systems shall be considered to have accepted this section.

SECTION 5. An additional yearly retirement allowance which would have been payable under section 3 of this act, if that provision had been in effect and for which a member in service would have been eligible at the time of the member's retirement, shall be paid retroactively to the date of that veteran's retirement. This payment shall be made in accordance with section 2 of chapter 157 of the acts of 2005.

SECTION 6. A veteran shall be eligible for payment of a retroactive additional yearly retirement allowance under this act only upon filing an application on or before October 1, 2006 in a form that the appropriate retirement board, as defined in chapter 32 of the General Laws, shall prescribe. Payment under this section shall be made in a lump sum or in installments and shall be made in full within 1 year of the retirement board's receipt of a completed and satisfactory application. The appropriate retirement board shall provide reasonable notice to eligible retirees about the application process prescribed by this act.

Approved July 19, 2006.

Chapter 162. AN ACT DESIGNATING CERTAIN BRIDGES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the department of conservation and recreation bridge located on the Mystic Valley parkway in the city of Medford shall be designated and known as the Richard Bongiorno Jr. Bridge. The department of conservation and recreation shall erect a suitable marker bearing this designation in compliance with the standards of the department and any existing historic preservation guidelines or statutes.

SECTION 2. Notwithstanding any rule or regulation of the department of highways to the contrary, the department shall erect and maintain on Bridge BR# U-02-009 on State Route 16 in the town of Uxbridge spanning the Mumford river, 2 signs designating the bridge as the 1936 Olympic Medalist Alice Bridges Bridge, in honor of Alice Bridges Roche, who won the Bronze Medal in the 100 meter backstroke in the 1936 Olympics in Munich, Germany.

Approved July 19, 2006.

Chapter 163. AN ACT RELATIVE TO COMPENSATION OF SHERIFFS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to compensate forthwith sheriffs, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 17 of chapter 37 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

The salaries of the sheriffs of the counties of Barnstable, Bristol, Norfolk, Plymouth and Suffolk and of the former counties of Berkshire, Essex, Franklin, Hampden, Hampshire, Middlesex and Worcester shall be a sum equivalent to 95 per cent of the salary of an associate justice of the superior court. The salaries of the sheriffs of the counties of Dukes County and Nantucket shall be a sum equivalent to 75 per cent of the salary of an associate justice of the superior court.

SECTION 2. This act shall take effect as of January 1, 2006.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on July 13, 2006, and in concurrence by the Senate on July 13, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 164. AN ACT TO COMPENSATION OF CERTAIN COURT EMPLOYEES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to compensate forthwith certain court employees, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 14 of chapter 185 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 2, the words "seventy-five and forty-seven hundredths percent" and inserting in place thereof the following words:— 81.57 per cent.

SECTION 2. Section 9A of chapter 185C of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "seventy-five and forty-seven hundredths percent" and inserting in place thereof the following words:— 81.57 per cent.

SECTION 3. Section 6 of said chapter 211A, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words "seventy-nine and nine-tenths percent" and inserting in place thereof the following words:— 81.57 per cent.

SECTION 4. Section 35A of chapter 217 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "seventy-five and forty-seven hundredths percent" and inserting in place thereof the following words:— 81.57 per cent.

SECTION 5. Section 53 of chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words "seventy-five and forty-seven hundredths per cent" and inserting in place thereof the following words:— 81.57 per cent.

SECTION 6. Section 58 of said chapter 218, as so appearing, is hereby amended by striking out, in line 89, the words "seventy-five and forty-seven hundredths percent" and inserting in place thereof the following words:— 81.57 per cent.

SECTION 7. Section 79 of said chapter 218, as so appearing, is hereby amended by striking out, in line 2, the words "seventy-five and forty-seven hundredths percent" and inserting in place thereof the following words:— 81.57 per cent.

SECTION 8. Section 94 of chapter 221 of the General Laws, as so appearing, is hereby amended by striking out, in lines 18 and 19, the words "seventy-five and forty-seven hundredths percent" and inserting in place thereof the following words:— 81.57 per cent.

SECTION 9. This act shall take effect as of January 1, 2006.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on July 13, 2006, and in concurrence by the Senate on July 13, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 165. AN ACT RELATIVE TO THE COMMONWEALTH ZOOLOGICAL SOCIETY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to expend forthwith funds for the commonwealth zoological society and other matters, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Item 2800-0200 of section 2 of chapter 45 of the acts of 2005 is hereby amended by inserting after the words "Forest Park Zoo" the following words:- provided further, that $2,500,000 shall be expended for capital expenses to the Commonwealth Zoological Society; provided further, that $250,000 shall be expended for the Buttonwood Park Zoological Society for a playground for children with disabilities and for other purposes at the Buttonwood Park Zoo in the city of New Bedford.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on July 13, 2006, and in concurrence by the Senate on July 13, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 166. AN ACT RELATIVE TO CERTAIN PROGRAMS WITHIN THE EXECUTIVE OFFICE OF PUBLIC SAFETY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to expend forthwith funds for certain programs within the executive office of public safety, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Item 8000-0000 of section 2 of chapter 45 of the acts of 2005 is hereby amended by adding the following words:- provided further, that not less than $150,000 shall be expended for the purpose of a targeted control substance interdiction pilot program to be administered jointly by the district attorney for Suffolk county and the chiefs of police for the city of Revere and the town of Winthrop; provided further, that not less than $130,000 shall be expended for the Salem Harbormaster in the city of Salem for the purpose of purchasing an additional patrol boat; provided further, that $150,000 shall be expended to fund a study to consider the siting of a new state police crime lab in the city of Worcester; and provided further, that $439,000 shall be expended as a grant to the Massachusetts Sheriffs Association for the implementation of an iris identification program in each sheriff's office to assist in locating missing persons.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on July 13, 2006, and in concurrence by the Senate on July 13, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 167. AN ACT ESTABLISHING THE MASSACHUSETTS CULTURAL FACILITIES FUND.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to stimulate forthwith investments in cultural activities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 23G of the General Laws is hereby further amended by striking out section 42, as appearing in the 2004 Official Edition, and inserting in place thereof the following section:—

Section 42. (a) It is in the best interest of the commonwealth to promote the prosperity and general welfare of all citizens by enhancing cultural activities throughout the commonwealth by partially financing the acquisition, construction, expansion, renovation and repair of our cultural facilities. Preserving cultural resources may stimulate further investment in the arts, heritage, entertainment, humanities and interpretive sciences, which will increase employment and entrepreneurial opportunities for the citizens of the commonwealth and increase tourism to the regions where these facilities are located, including tourism from outside the commonwealth.

(b)(1) As used in this section and section 43, the following terms shall, unless the context clearly requires otherwise, have the following meanings:—

"Agency", the Massachusetts Development Finance Agency.

"Applicant", a cultural organization, as defined in this section, that has submitted an application for financial assistance from the fund.

"Committee", the cultural facilities advisory fund committee.

"Cultural facility", a building, structure or site that is, or will be, owned, leased or otherwise used by 1 or more cultural organizations and that is accessible to the public and exempt from income taxation pursuant to section 501 (c)(3) of the Internal Revenue Code. The term cultural facility may include, but shall not be limited to, museums, historical sites, zoos, aquariums, nature or science centers, theaters, concert halls, exhibition spaces, classrooms and auditoriums suitable for presentation of performing or visual arts. Municipally owned buildings, structures or sites must be a minimum of 50,000 square feet in size, of which at least 50 per cent is used as a cultural facility. Public or private institu-

tions of higher education may qualify if they demonstrate that their cultural facility provides service and open access to the community and the general public outside of the regular educational mission of the public or private institute of higher education and demonstrates financial need.

"Cultural organization", a nonprofit, public or private, civic educational or professional organization or educational foundation which is primarily concerned with the arts, humanities, interpretive sciences or local arts and which is exempt from income taxation pursuant to section 501 (c)(3) of the Internal Revenue Code. Public or private institutions of higher education may qualify if they demonstrate that their cultural organization provides service and open access to the community and the general public outside of the regular educational mission of the public or private institute of higher education demonstrates and financial need.

"Director", the executive director of the Massachusetts Development Finance Agency.

"Eligible project", the acquisition, design, construction, repair, renovation, rehabilitation or other capital improvement or deferred maintenance of a cultural facility consistent with this section.

"Feasibility and technical assistance grant", a direct grant of monies from the fund subject to matching grant requirements, to an applicant for payment of the costs and expenses related to the undertaking and completion of a planning and feasibility study for a proposed eligible project; provided, however, that no such grant shall exceed $50,000. The agency may award a feasibility and technical assistance grant only upon its finding that: (i) the project is an eligible project; (ii) there is a demonstrated need for the project; (iii) the project will benefit tourism in the local area; (iv) there is a demonstrated financial need for the grant or loan; (v) there is local support for the project; and (vi) if undertaken, the proposed project would qualify as an eligible project.

"Fund", the Massachusetts Cultural Facilities Fund.

"Grant", a direct grant of monies from the fund to an applicant for payment of the costs of an eligible project, except that the amount of any single grant awarded from the fund shall not exceed $5,000,000.

"Loan", a direct loan of monies from the Fund to an applicant to finance a portion of the cost of an eligible project, except that the amount of any single loan awarded from the fund shall not exceed $5,000,000.

"Massachusetts cultural council", a public instrumentality created pursuant to section 52 of chapter 10.

"Matching funding", private or public monies donated or appropriated to an eligible project in the proportions to the qualified investment as set forth in subsection (c).

"Public body", the commonwealth and any body politic and corporate of the commonwealth, including any political subdivision thereof, or any consortium of any contiguous subdivisions and any federal agency.

"Qualified investment", a grant, including a feasibility grant, loan, guarantee or other financing or credit enhancement device provided under the Fund for an eligible project.

(2) There shall be the Massachusetts Cultural Facilities Fund, under the control of the agency, to which shall be credited, subject to appropriation, for any fiscal year in which revenues deposited into the Massachusetts Tourism Fund, established pursuant to section 35J of chapter 10, exceed the amounts deposited into the Massachusetts Tourism Fund in the previous fiscal year, 50 per cent of the increase in revenues beyond amounts received in the prior fiscal year by the Massachusetts Tourism Fund from the tax imposed by section 3 of chapter 64G, section 22 of chapter 546 of the acts of 1969 or any appropriation made pursuant to section 35J of chapter 10. In addition to the funds set forth in the preceding sentence, the fund shall be credited, subject to appropriation, in each fiscal year after the first appropriation to the fund, an additional amount not less than the previous fiscal year's appropriation. The fund shall also be credited in each fiscal year, subject to annual appropriation, an amount equal to the funds previously appropriated annually for payment of principal and interest on obligations issued for the rehabilitation, operation and maintenance of the Hynes convention center, or in no case less than $13,000,000 per annum. The fund shall also be credited with all bond proceeds, federal funds, private contributions, loans or other monies lawfully made available to the fund. The purpose of the fund shall be to make grants, and loans when appropriate, to finance eligible projects. Applicants may apply to the Fund for a feasibility and technical assistance grant, a grant and a loan for the acquisition, construction, expansion, renovation or repair of cultural, entertainment, public venues or other commercial facilities, and the agency may make a qualified investment in such a project upon its finding that: (i) the project is an eligible project; (ii) there is a demonstrated need for the project; (iii) the project will benefit tourism in the local area; (iv) there is a demonstrated financial need for the grant or loan; and (v) there is local support for the project. The agency shall hold the fund in a separate account, segregated from all other agency funds. Except as hereinafter provided, the agency may invest and reinvest the Fund and the income thereon: (i) in making qualified investments; (ii) in investing funds not required for immediate disbursement in the purchase of such securities as may be lawful investments for fiduciaries in the commonwealth; (iii) for paying binding obligations associated with the qualified investments which are secured by the fund as the same become payable; (iv) for paying the principal and interest on qualified investments secured by the fund or the payments of any redemption premium required to be paid when such obligations are redeemed prior to maturity; and (v) for the reasonable costs of administering the fund, provided that the costs shall not exceed 7.5 per cent of the total loans or grants made annually.

(3) To the extent feasible, the agency may issue bonds on behalf of the fund. Bond proceeds shall be used for the purposes authorized by this section. The bonds shall be issued as revenue bonds and shall be recourse only to the funds appropriated or otherwise contributed under this section and such reserve funds as may be expressly created to guarantee the same. The bonds shall not be general obligations of either the agency or the

commonwealth. Bonds issued in furtherance of this section shall not be subject to, or otherwise included in, the principal amount of debt obligations issued under section 29.

(4) The agency shall adopt by-laws or rules necessary to establish a minimum reserve to be maintained by the fund for the purpose of ensuring the fulfillment of any obligations incurred as a result of any bonds issued by the agency on behalf of the Fund. No qualified investment may be made where the expenditure would reduce the fund's assets to an amount below the minimum reserve.

(5) The agency shall be reimbursed from the fund for all reasonable and necessary direct costs and expenses incurred in any fiscal year associated with its bond issuance, administration, management and operation of the fund, including reasonable staff time and out-of-pocket expenses and the reasonable and approved administrative costs incurred by the Massachusetts cultural council or such other qualified organization which the agency may contract for services. The agency is authorized to establish a minimum reserve, in addition to such reserve established pursuant to subsection (2), to be maintained by the fund for the purpose of ensuring the satisfaction of the agency's and its agents' administrative costs.

(c) The fund may make qualified investments in eligible projects. The fund may make grants to applicants for eligible projects. No grant shall be made pursuant to this section without the required matching funding. The amount of any single grant, other than a feasibility and technical assistance grant awarded from the fund, shall not exceed $5,000,000 per annum. Grants for a total value of:

(i) less than $1,000,000 shall be subject to a matching funding requirement of the amount of the grant;

(ii) greater than or equal to $1,000,000 and less than $2,500,000 shall be subject to a matching funding requirement of at least twice the amount of the grant;

(iii) greater than or equal to $2,500,000 but less than $4,000,000 shall be subject to a matching funding requirement of at least 3 times the amount of the grant; and

(iv) greater than or equal to $4,000,000 and not more than $5,000,000 shall be subject to a matching funding requirement of at least 4 times the amount of the grant.

Notwithstanding any general or special law to the contrary, as a condition of accepting a grant from the fund, an applicant shall agree that, whenever ownership of any property which was acquired or improved with a grant from the Fund is transferred to a for-profit entity or to an unrelated nonprofit entity which stops operating the property as a cultural facility, the full amount of such grant shall be repaid immediately to the fund. The agency may take a security interest or such other interest in the eligible project as may be necessary to secure its potential repayment rights.

(d) Notwithstanding any general or special law to the contrary, the agency shall enter into a contract with the Massachusetts cultural council or another qualified organization to manage some or all of the grant administration process on behalf of the agency. The agency may enter into a contract with another qualified organization to manage some or all of the grant administration process only if the Massachusetts cultural council fails to adequately perform its duties under a duly executed contract, ceases to exist, or for just cause. If the a-

gency enters into a contract with another qualified organization, the agency shall submit, in writing, the reasons for the termination of its contract with the Massachusetts cultural council to the chairs of the joint committee on economic development and emerging technologies and the chairs of the joint committee on tourism, arts and cultural development. A contract executed pursuant to this section shall address, but shall not be limited to: proposed rules and guidelines for the fund, providing technical assistance to potential applicants, reviewing and evaluating applications and providing findings and recommendations to the committee as to which grant applications should be approved and awarded and which should be denied. The agency shall establish rules relative to the Fund, with the advice of the committee. Copies of the rules, and any modifications or amendments thereto, shall be delivered to the clerk of the house of representatives, the clerk of the senate, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies and the chairs of the joint committee on tourism, arts, and cultural development.

(e) The agency shall annually, not later than December 31, submit a report on the Fund's progress to the clerk of the house of representatives, the clerk of the senate, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies and the chairs of the joint committee on tourism, arts and cultural development. The annual report shall include: (i) a list of grant or loan recipients from the fund; (ii) the associated amounts received by each recipient; (iii) the amount of non-state funding leveraged by the Fund; (iv) the purpose of the grants or loans from the Fund; (v) an annual statement of cash inflows and outflows detailing the sources and uses of the Fund; (vi) a forecast of future payments based on current binding obligations; and (vii) a detailed breakdown of the purposes and amounts of administrative costs charged to the Fund.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on July 13, 2006, and in concurrence by the Senate on July 13, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 168. AN ACT ESTABLISHING CERTAIN EDUCATIONAL FUNDS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to fund forthwith certain educational activities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 29 of the General Laws is hereby further amended by inserting after section 2RRR the following 5 sections:—

Section 2SSS. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Educational Rewards Grant Program Fund, hereinafter referred to as the fund. The fund shall provide grants to students in accredited post-secondary certificate or vocational technology programs or associate degree programs in targeted high-demand occupations. The department of workforce development and the board of higher education in consultation with the Massachusetts Workforce Board Association, the state workforce investment board, the reach higher initiative and the workforce accountability task force established pursuant to section 11 of chapter 23H shall determine the eligible high demand occupations. If a Bachelor's degree program is needed for a profession in critical demand, it may be added to the eligible programs. Of the appropriation for grants, up to ⅓ may be used for students enrolled as full-time students and at least ⅔ of the total grant amount shall be reserved for students enrolled ½ time or less. Grant recipients shall be limited to dislocated workers or those with incomes at or below 200 per cent of the federal poverty level or other standards or criteria as may be established by the department and the board in consultation with the workforce accountability task force established pursuant to section 11 of chapter 23H. Grants from the program fund shall be a maximum of $3,000 and shall be used to fund tuition, fees and books; provided, however, that up to 30 per cent of the grant amount may be applied to fund living expenses. The grant program shall serve as a last resort, after other federal and state grants have been exhausted. The department of workforce development and the board of higher education shall jointly administer the grant program.

Section 2TTT. (a) There is hereby established and set up on the books of the commonwealth a separate fund known as the CITI Fund for the continuation of the Commonwealth Information Technology Initiative, or CITI, statewide. The University of Massachusetts shall hold the CITI Fund in an account or accounts separate from other funds or accounts. Amounts credited to the CITI Fund shall be used by the President of the University of Massachusetts or his designee, in accordance with subsection (b) and in consultation with the advisory board established in subsection (d).

(b) The public purpose of the CITI Fund shall be to provide funding for a collaborative approach to information technology education through a series of open competitions for grants to K-20 educational institutions in the areas of: (1) educator development - to ensure that K-20 faculty in all public higher education institutions and elementary and secondary schools have the skills to teach courses that meet industry's current and future information technology needs; (2) curriculum enhancement - to update existing courses and programs of computer science, management information systems and computer engineering in public higher education and to update academic discipline courses to facilitate the acquisition of knowledge through the understanding and application of information technology in the K-12 level; (3) IT across the curriculum - to implement the integration of information technology education into all aspects of non-technical disciplines and areas of study; and (4) regional cooperation - create geographically-based alliances among schools and industry to leverage faculty, courses and other resources for information

technology education.

(c) The president of the University of Massachusetts shall, no later than July 1, annually report to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, the joint committee on education and the joint committee on higher education. The report shall include: (i) a list of grant recipients; (ii) the associated grant amounts; (iii) the amounts of nonstate funding leveraged as a result of the grants, including in-kind and other non-cash contributions; (iv) the purposes of the grants; (v) an annual statement of cash inflows and outflows detailing the sources and uses of funds; (vi) a forecast of future payments based on current binding obligations; and (vii) a detailed breakdown of the purposes and amounts of administrative costs charged to the fund.

(d) There shall be an advisory board for the CITI Fund which shall consist of 12 members, 8 of whom shall be appointed by the governor – of which at least 2 shall be employed by a public institution of higher education in the commonwealth, at least 2 shall be employed at a public school for grades K-12 and at least 2 shall be employed by a corporation based in the commonwealth. One member shall be appointed by the speaker of the house, 1 member shall be appointed by the minority leader of the house of representatives, 1 member shall be appointed by the president of the senate and 1 member shall be appointed by the minority leader of the senate. The advisory board shall meet at least quarterly or when called by the president of the University of Massachusetts.

Section 2UUU. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Massachusetts Board of Higher Education Scholar-Internship Match Fund, hereafter referred to as the Scholar/Internship Match Fund. The board of higher education shall hold the Scholar-Internship Match fund in an account separate from other funds or accounts. Amounts credited to the Scholarship/Internship Match Fund shall be used by the chancellor of higher education or her designee, in accordance with the purpose set forth in this section and in consultation with participating industry and public higher education institutions. An amount not to exceed $100,000 shall be spent each year to promote the existence of the Scholar-Internship Match Fund with the goal of attracting and maximizing industry participation.

(b) The public purpose of the Scholar-Internship Match Fund shall be to provide a match for industry scholarships given to Massachusetts students going on to study for a post-secondary degrees at Massachusetts public higher education institutions. The amount to be matched through the Scholar-Internship Match Fund shall not exceed $5,000 per student, contingent upon receiving a corresponding industry scholarship or internship of up to the same amount.

(c) The chancellor of higher education shall, not later than July 1, annually report to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, the joint committee on education and the joint committee on higher education.

The report shall include: (i) a list of matching scholarship recipients; (ii) the associated match amount; (iii) the amounts of non-state funding as a result of the match; (iv) the purposes of the match; (v) whether there was an internship associated with the industry match; (vi) an annual statement of cash inflows and outflows detailing the sources and uses of funds; (vii) a forecast of future payments based on current binding obligations; and (viii) a detailed account of the purposes and amount of administrative costs charged to the fund. The chancellor shall include in annual report a detailed 5 year legislative review of the Scholar-Internship Match Fund for consideration for recapitalization.

Section 2VVV. (a) There shall be established and set upon the books of the commonwealth a separate fund to be known as the international education and foreign language grant program fund, hereinafter referred to as the international education fund, to which shall be credited any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto and additional funds designated for deposit to the international education fund, including any pension funds, federal grants or loans, or private donations made available to the commissioner of education for such purpose. The Commissioner of Education shall hold the international education fund in an account or accounts separate from other funds or accounts. Amounts credited to the international education fund shall be used by the commissioner of education, in consultation with the chairman of the board of higher education, and the global education advisory council to carry out the purposes of subsection (b).

(b) The public purpose of the international education fund shall be to increase the number of Massachusetts students, teachers, administrators and education policymakers participating in international studies, international exchange programs, and other activities that advance cultural awareness and promote mutual understanding and respect for citizens of other countries. In furtherance of this public purpose and in consultation with the chairman of the board of higher education and the global education advisory council, the Commissioner of Education shall employ the international education fund in support of programs and activities that advance cultural awareness, including the awarding of grants to local or regional school districts that use the funds to support international education programs and promote the study of foreign languages, including programs that establish foreign language and two-way bi-lingual education classes, teacher training, and curriculum development to encourage students, teachers, administrators and educational policy makers to participate in international studies, international exchange programs and other activities.

Section 2WWW. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Workforce Competitiveness Trust Fund, hereinafter called the fund. The fund shall be administered by the department of workforce development which shall contract with the Commonwealth Corporation to administer the fund. The objectives of the fund shall include, but shall not be limited to, the following: supporting, in conjunction with other private, public and philanthropic resources, the development and implementation of employer and worker responsive programs to enhance

worker skills, incomes, productivity and retention and to increase the quality and competitiveness of Massachusetts firms; training and helping the unemployed find suitable employment; improving employment opportunities for low-income individuals and low wage workers; improving wages to a level sufficient to support a family or to place individuals on a career path leading to such employment and wages; training vulnerable youths to master basic academic skills, including the attainment of a high school degree and encouraging students to advance educationally and receive post-secondary degrees at colleges or post-secondary vocational schools or beyond; developing occupational skills and becoming employed in jobs that have career potential; and training older workers for new occupations. The department shall utilize these projects to improve the workforce development system by integrating employer and worker needs more fully into program design and delivery. The department shall support, through grants, partnership programs and planning, grant applications from the following eligible applicants to provide an integrated continuum of education and training: employers and employer associations; local workforce investment boards; labor organizations; community-based organizations, including adult basic education providers; institutions of higher education; vocational education institutions; one-stop career centers; local workforce development entities; and nonprofit education, training or other service providers. The fund shall leverage employer, public, philanthropic and other contributions and shall be available as a state match for federal funds that meet the requirements of the fund. The fund shall be an expendable trust fund and not subject to appropriation. Grants from the fund shall be offered on a competitive basis for a maximum of 3 years and shall not exceed $500,000.

(b) The director of workforce development shall appoint an advisory committee to represent significant constituencies and beneficiaries of the fund including, but not limited to, high growth or critical industries; the workforce development system; public education; adult basic education; the department of transitional assistance; public higher education; labor; community-based organizations and nonprofit education, training or other service providers; and advocates of customer populations, including representatives of education, training and the one-stop career center provider coalitions, including a minimum of 2 labor representatives selected by the President of the Massachusetts AFL-CIO and 2 representatives of the Massachusetts Workforce Board Association. The director shall serve as chair of the committee. The committee shall supply constituent focused labor market information, review general programmatic parameters and guidelines, assist with the identification of issues and barriers to the fund's efficiency and effectiveness and the dissemination of relevant information about the fund and support the general oversight of the fund's implementation. The committee shall meet from time to time, but not less frequently than quarterly.

(c) The Commonwealth Corporation shall be the administrator of the fund and shall maintain the fund as a separate fund and shall cause it to be audited by an independent accountant on an annual basis in accordance with generally-accepted accounting principles.

(d) There shall be credited to the fund any revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund, and any gifts, grants, private contributions, investment income earned on the fund's assets and all other sources. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(e) Partnership programs may include costs for support services including, but not limited to, transportation and childcare, to eliminate barriers to participation in the training program. For any unionized employer participating as a partner in a grant application, the impacted union shall be an active participant in the design and implementation of the grant.

(f) A competitive grant program shall be established that provides support to partnerships and eligible applicants as described above, and that leverages applicant co-investment of at least 30 per cent of the grant amount from employers, philanthropic and public or private organizations. The period of grant operations may be up to 3 years in duration. Grants may be targeted to specific populations, such as educationally or economically disadvantaged youth, low-income, low-skilled and low-wage workers, disabled citizens or industries that are deemed to be of critical consequence to the commonwealth. Special grant programs and funding allocations shall be determined by the committee and shall be distributed by a regionally-based competitive bid process, which shall require the defining of economic regions based on labor market factors as determined by the committee. Each municipality shall be accounted for in a designated region. A formula for regional distribution shall be created and competition for formula grant funds shall occur within each identified region and shall be subject to the rules and regulations established by the committee in consultation with regional partners. Respondents to the local competitions shall notify, in writing, the region's workforce investment board of their intent to respond to the request for proposals. A planning grant may be offered to define employer needs; to make necessary curriculum and other programmatic improvements to align with employer and worker needs; to determine the feasibility of a proposed workforce development intervention; to plan for and coordinate strong partnerships among stakeholders; to identify educational and skill needs of workers and program participants; to link training initiatives with employer-based career ladders; and to develop case management and additional support services that would address barriers to participation.

(g) A portion of the grant fund shall be used to support the current and future labor force needs of the healthcare industry. This portion of the fund shall support projects that address barriers and gaps in the healthcare workforce development pipeline. Small planning and needs assessment grants may be offered. A project grant program shall be designed by Commonwealth Corporation in consultation with a Healthcare subcommittee of the fund committee, which shall include, at a minimum, appointments made by the following organizations: the Massachusetts Hospital Association; the Massachusetts Extended Care Federation; the Home and Health Care Association of Massachusetts; the Massachusetts Workforce Board Association; and the Massachusetts AFL-CIO, as well as representatives of the other mandatory advisory committee constituencies.

(h) A portion of the grant fund shall be used to support the current and future labor force needs of the travel and tourism industry. This portion of the grant fund shall be used to support the development of career ladder and wage improvement strategies, including employee ownership and profit-sharing strategies, within the travel and tourism industry. Small planning and needs assessment grants may be offered. A project grant program shall be designed by Commonwealth Corporation in consultation with the travel and tourism advisory committee, which shall include the primary industry associations that represent the industry in the commonwealth or, in their absence, a cohort of relevant industry employers, as well as representatives of the other mandatory advisory committee constituencies.

(i) Project grants shall be for a maximum of 3 years, shall be competitively based and shall not exceed $500,000. The committee shall determine how to apportion the grant fund between the healthcare industry, the travel and tourism industry and the general grant program; provided, however, that not more than 7.5 per cent of the funds appropriated in this subsection may be expended for the administration of each grant.

(j) The director of workforce development shall annually, not later than December 31, report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on community development and small business, the joint committee on education, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development and the joint committee on public health on the status of grants awarded under this section, including the number of educational and eligible service providers receiving grants; the number of participants receiving services; the number of participants placed in employment; the salary and benefits that participants receive after placement; the cost per participant; and job retention or promotion rates 1 year after training ends.

(k) The establishment of the Workforce Competitiveness Trust Fund, or any other worker training fund, shall not be determined to replace, displace or serve as a substitute for the Workforce Training Fund established in section 2RR.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on July 13, 2006, and in concurrence by the Senate on July 13, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 169. AN ACT RELATIVE TO COMPENSATION OF JUSTICES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to compensate forthwith justices, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 22 of chapter 211 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:—

The chief justice shall receive a salary of $151,239 and each associate justice shall receive a salary of $145,984 and the chief justice and each associate justice shall annually receive from the commonwealth upon the certificate of the chief justice the amount of expenses incurred by each of them in the discharge of his duties.

SECTION 2. Section 2 of chapter 211A of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The chief justice shall receive a salary of $140,358 and each associate justice shall receive a salary of $135,087 and the chief justice and each associate justice shall annually receive from the commonwealth upon the certificate of the chief justice the amount of expenses incurred by each of them in the discharge of his duties.

SECTION 3. Section 4 of chapter 211B of the General Laws, as so appearing, is hereby amended by striking out the first 3 paragraphs and inserting in place thereof the following 3 paragraphs:—

The salaries of the justices of the trial court shall be paid by the commonwealth.

Each associate justice shall receive a salary of $129,694.

The chief justice of the several departments shall receive a salary of $135,124.

The chief administrative justice shall receive a salary of $140,358.

SECTION 4. This act shall take effect as of January 1, 2006.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on July 13, 2006, and in concurrence by the Senate on July 13, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 170. AN ACT PROVIDING FOR THE LICENSING OF GENETIC COUNSELORS.

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 13 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "dentistry,", in line 6, the following words:- the board of registration of genetic counselors.

SECTION 2. Said chapter 13 is hereby further amended by adding the following 3 sections:-

Section 98. (a) There shall be a board of registration of genetic counselors, called the board in sections 98 to 100, inclusive, which shall consist of 5 members to be appointed by the governor, 4 of whom shall be genetic counselors licensed under this section, and 1 member of the general public. Members of the board shall be residents of the commonwealth.

(b) Each member of the board shall serve for a term of 3 years and until the governor appoints a successor. No member shall be appointed to more than 2 consecutive full terms. A member appointed for less than a full term may serve 2 full terms in addition to such part of a full term. A former member shall be eligible for appointment after a lapse of 1 year.

(c) A member may be removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in office after a written notice of the charges against him and an opportunity to be heard. Upon the death, resignation or removal for cause of any member of the board, the governor shall fill the vacancy for the remainder of that member's year.

Section 99. The board shall, at its first meeting and annually thereafter, organize by electing from its membership a chairman, a vice-chairman and a secretary. Those officers shall serve until their successors are elected and qualified.

The board shall meet at least 2 times annually and shall hold additional meetings at the call of the chairman or at such times as may be determined by the board.

Board members shall serve without compensation but shall be reimbursed for actual and reasonable expenses incurred in the performance of their duties.

Section 100. The board shall have the following powers and duties:

(a) to promulgate regulations and adopt such rules as are necessary to regulate genetic counselors;

(b) to recommend policy and budgetary matters to the division of professional licensure;

(c) to receive, review, approve or disapprove applications for licensing, renewal and reinstatement and to issue those licenses;

(d) to establish administrative procedures for processing applications for licenses and license renewals and to hire or appoint such agents as are appropriate for processing applications for licenses and license renewals;

(e) to retain records of its actions and proceedings in accordance with public records laws;

(f) to establish specifications for the licensing examination, which may be or may include the complete certification examination given by the American Board of Genetic Counseling or the American Board of Medical Genetics, or its successor, and to provide or procure appropriate examination questions and answers and to establish examination procedures;

(g) to define by regulation the appropriate standards for education and experience necessary to qualify for licensing, including, but not limited to, continuing professional edu-

cation requirements for licensed genetic counselors and provisional licensed genetic counselors, which shall be no less stringent than those of the American Board of Genetic Counseling, or its successor, and for the conduct and ethics which shall govern the practice of genetic counseling;

(h) to establish standards of supervision for students or persons in training to become qualified to obtain a license in the occupation or profession it represents;

(i) to fine, censure, revoke, suspend or deny a license, place on probation, reprimand or otherwise discipline licensees for violations of the code of ethics or the rules of the board in accordance with section 233 of chapter 112, but the board shall not have the power of subpoena.

(j) to summarily suspend the license of a licensee who poses an imminent danger to the public but a hearing shall be afforded to the licensee within 7 days of an action by the board to determine whether such summary action is warranted; and

(k) to perform such other functions and duties as may be required to carry out this section.

SECTION 3. Chapter 112 of the General Laws is hereby amended by adding the following 7 sections:-

Section 227. As used in sections 227 to 233, inclusive, the following words, shall unless the context requires otherwise, have the following meanings:-

"ABGC", the American Board of Genetic Counseling, a national agency for certification and recertification of genetic counselors or its successor agency.

"ABMG", American Board of Medical Genetics, a national agency for certification and recertification of genetic counselors, MD geneticists and PhD geneticists or its successor agency.

"Board", the board of registration of genetic counselors.

"General supervision", a supervisor, whether a licensed genetic counselor or MD, who has the overall responsibility to assess the work of the supervisee, whether a provisional or fully-licensed genetic counselor, including regular meetings and chart review; provided, however, that an annual supervision contract signed by the supervisor and supervisee shall be on file with both parties.

"Licensed genetic counselor", a person licensed under section 100 of chapter 13 to engage in the practice of genetic counseling.

"Practice of genetic counseling", a communication process, conducted by 1 or more appropriately trained individuals, that may include:

(a) estimating the likelihood of occurrence or recurrence of a birth defect or of any potentially inherited or genetically influenced condition. This assessment may involve:

(1) obtaining and analyzing a complete health history of the person and family;

(2) reviewing pertinent medical records;

(3) evaluating the risks from exposure to possible mutagens or teratogens; and

(4) recommending genetic testing or other evaluations to diagnose a condition or determine the carrier status of 1 or more family members;

(b) helping the individual, family, health care provider or public to:

(1) appreciate the medical, psychological and social implications of a disorder, including its features, variability, usual course and management options;

(2) learn how genetic factors contribute to the disorder and affect the chance for recurrence of the condition in other family members;

(3) understand available options for coping with, preventing or reducing the chance of occurrence or recurrence of a condition;

(4) select the most appropriate, accurate and cost-effective methods of diagnosis; and

(5) understand genetic or prenatal tests, coordinate testing for inherited disorders, and interpret complex genetic test results; and

(c) facilitating an individual's or family's:

(1) exploration of the perception of risk and burden associated with the disorder;

(2) decision-making regarding testing or medical interventions consistent with their beliefs, goals, needs, resources, culture and ethical or moral views; and

(3) adjustment and adaptation to the condition or their genetic risk by addressing needs for psychological, social and medical support.

"Provisional licensed genetic counselor", a person with a provisional license issued under section 230.

Section 228. An application for original license, license renewal or for the licensing examination shall be made on forms approved by the board and accompanied by the appropriate fee. The fee for original licenses and renewals shall be determined by the secretary of administration and finance. An applicant for original license shall be sworn and shall furnish satisfactory proof that he is at least 18 years old, of good moral character and has met the educational and professional experience requirements prerequisite to sitting for the licensing examination.

Section 229. An applicant for registration as a genetic counselor shall have:

(a) successfully completed a genetic counseling education program approved by the board; provided, however, that the program shall meet the educational standards established by the ABGC or its successor; and provided further that the board shall require continuing education as a condition for license renewals;

(b) earned a masters degree from a genetic counseling training program that is accredited by the ABGC or an equivalent as determined by the ABGC, or a doctoral degree from a medical genetics training program that is accredited by the ABMG or an equivalent as determined by the ABMG;

(c) completed such experience as may be required by the board.

Section 230. A person who meets the qualifications to be admitted to the examination for licensure as a genetic counselor may, between the date of filing an application for licensure and the announcement of the results of the next succeeding examination, practice as a provisional licensed genetic counselor upon filing an approved application with the board and payment of a fee to be determined by the secretary of administration and finance.

The board may grant a provisional license to a person who successfully completes a genetic counseling education program approved by the board and is qualified to be admitted to the examination. Such license shall be valid for 2 years from the date of its issue and may be renewed for an additional 2 years if an applicant fails the first sitting of the ABGC or ABMG certification exam. Such provisional license shall expire automatically upon the earliest of the following:

(a) issuance of a full license;

(b) 30 days after the applicant fails to pass the complete examination; or

(c) the date printed on the temporary license.

An application for extension shall be signed by a supervising licensed genetic counselor. A provisional licensed genetic counselor shall be under the general supervision of a licensed genetic counselor or a licensed physician with current ABMG certification in clinical genetics at all times during which the provisional licensed genetic counselor performs clinical genetic counseling. The board shall adopt rules governing such supervision and direction which may not require the immediate physical presence of the supervising licensed genetic counselor.

Section 231. (a) The board shall examine applicants for certification as genetic counselors at such times and places as it may determine. The examination shall meet the standards established by the ABGC. The examination shall test an applicant's knowledge of basic and clinical sciences as they relate to genetic counseling theory and practice and other subjects as the board may deem useful to determine the applicant's fitness to act as a genetic counselor. The board may utilize a national examination that meets the requirements of this section.

(b) The board shall examine applicants for certification as Ph.D. medical geneticists at such times and places as it may determine. The examination shall meet the standards established by the ABMG. The examination shall test an applicant's knowledge of basic and clinical sciences as they relate to genetic counseling theory and practice and other subjects as the board may deem useful to determine the applicant's fitness to act as a genetic counselor. The board may utilize a national examination that meets the requirements of this section.

Section 232. No person shall hold himself out as a genetic counselor unless he is licensed in accordance with section 230 or section 100 of chapter 13. No person who is not so licensed may use in connection with his name or place of business, the title "genetic counselor", "licensed genetic counselor", "gene counselor", "genetic consultant", "genetic associate" or any words, letters, abbreviations or insignia indicating or implying a person holds a genetic counseling license.

Nothing in this section shall be construed to prevent or restrict the practice, service or activities of:

(a) any person licensed, certified, or registered in the commonwealth, by any other statute other than as a genetic counselor from engaging in activities within the scope of practice of the profession or occupation for which he is licensed provided that he does not

represent to the public, directly or indirectly, that he is licensed under section 230 or section 100 of chapter 13, and that he does not use any name, title or designation indicating that the person is licensed under those sections;

(b) any person employed as a genetic counselor by the federal government or an agency thereof if such person provides genetic counseling services solely under the direction and control of the organization by which he is employed;

(c) a student or intern enrolled in an approved genetic counseling education program if genetic counseling services performed by the student are an integral part of the student's course of study and are performed under the direct supervision of a licensed genetic counselor assigned to supervise the student and who is on duty and available in the assigned patient care area and if the person is designated by a title which clearly indicates his status as a student or intern;

(d) an individual trained as a genetic counselor, who is reapplying for the ABGC certification examination and gathering logbook cases under general supervision in an approved genetic counseling training site;

(e) an individual trained as a Ph.D. medical geneticist who is reapplying for the ABMG certification examination and is gathering logbook cases under a supervisor identified in the training program's ABMG accreditation documents as a member of the training faculty; and

(f) visiting ABGC or ABMG-certified genetic counselors from outside the commonwealth operating as consultants or the use of occasional services of organizations from outside the commonwealth employing ABGC or ABMG-certified genetic counselors.

Section 233. The board may deny or refuse to renew a license or, after a hearing pursuant to section 100 of chapter 13, revoke, suspend or cancel the license or place on probation, reprimand, censure or otherwise discipline a licensee upon proof satisfactory to a majority of the board that the person has:

(a) obtained or attempted to obtain a license by fraud or deception;

(b) been convicted of a felony under state or federal law or committed any other offense involving moral turpitude;

(c) been adjudged mentally ill or incompetent by a court of competent jurisdiction;

(d) used illicit drugs or intoxicating liquors to the extent which adversely affects his practice;

(e) engaged in unethical or unprofessional conduct including, but not limited to, willful acts, negligence or incompetence in the course of professional practice;

(f) violated any lawful order, rule or regulation rendered or adopted by the board; or

(g) been refused issuance or been disciplined in connection with a license issued by any other state or country.

SECTION 4. Notwithstanding sections 227 to 232, inclusive, of chapter 112 of the General Laws, the initial appointment of genetic counselors to the board of registration of genetic counselors, in accordance with section 98 of chapter 13 of the General Laws, shall consist of persons eligible for licensing as genetic counselors who shall apply for and receive

such licenses as genetic counselors within 90 days after the board has issued its first license. The initial appointments to the board shall be for terms of 3 years.

SECTION 5. Notwithstanding sections 227 to 232, inclusive, of chapter 112 of the General Laws, a person shall be eligible until 1 year from the effective date of this act to make application to the board and to receive a license if the person is actively engaged in the practice of genetic counseling consistent with said sections 227 to 233, inclusive, of said chapter 112.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on July 13, 2006, and in concurrence by the Senate on July 13, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 171. AN ACT ALLOWING UNSIGNED CIRCULARS AND POSTERS.

Be it enacted, etc., as follows:

Section 41 of chapter 56 of the General Laws is hereby repealed.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on July 13, 2006, and in concurrence by the Senate on July 13, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 172. AN ACT RELATIVE TO HIV AND HEPATITIS C PREVENTION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is in part to require prompt reports and preparations by the department of public health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 94C of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 68, the word ", injecting".

SECTION 2. The definition of "Drug paraphernalia" in section 1 of said chapter 94C, as so appearing, is hereby amended by striking out clause (11).

SECTION 3. Said chapter 94C is hereby further amended by striking out section 27, as so appearing, and inserting in place thereof the following 2 sections:-

Section 27. Hypodermic syringes or hypodermic needles for the administration of controlled substances by injection may be sold in the commonwealth, but only to persons who have attained the age of 18 years and only by a pharmacist or wholesale druggist licensed under the provisions of chapter 112, a manufacturer of or dealer in surgical supplies or a manufacturer of or dealer in embalming supplies. When selling hypodermic syringes or hypodermic needles without a prescription, a pharmacist or wholesale druggist must require proof of identification that validates the individual's age.

Section 27A. (a) Notwithstanding any general or special law to the contrary, the department of environmental protection and the department of public health, in conjunction with other relevant state and local agencies and government departments, shall design, establish and implement, or cause to be implemented a program for the collection and disposal of spent non-commercially generated hypodermic needles and lancets. The program shall be designed to protect the public health and the environment by providing for the safe, secure and accessible collection and disposal of hypodermic needles and lancets. The departments may collaborate with private companies as well as not-for-profit agencies when designing, establishing and implementing this program.

(b)(1) Sharps disposal programs may include, but are not limited to the following:-

(i) a program for safe, secure home sharp disposal;

(ii) establishing sharps collection centers in medical facilities and pharmacies;

(iii) establishing sharps collection centers in municipal facilities, including, but not limited to, fire stations, police stations and public health offices; provided that sharps collection centers may be located at senior centers only for the purpose of disposing of medically necessary hypodermic needles; and

(iv) medical waste mail-back programs approved by the United States Postal Service.

(2) Medical facilities, pharmacies and participating municipal facilities may work with the department of public health and the department of environmental protection to determine the proper program for sharps disposal implementation within each community.

(c) For the purposes of this section, a "sharps collection center" shall be an identified site within a community which:

(1) uses only collection containers that meet the requirements of the federal Occupational Safety and Health Administration and the federal Department of Transportation and is marked with the international biohazard symbol;

(2) provides secure and accessible collection containers on site;

(3) accepts sharps from sharps users that are in leak-proof, rigid, puncture-resistant and shatterproof containers;

(4) provides appropriate transfer containers for sharps users who fail to bring their sharps in suitable containers for placement in the collection container;

(5) has a written agreement with a medical waste transporter providing for regularly scheduled waste pickups; and

(6) stores, handles, transports and treats the collected waste in accordance with department of public health regulations.

(d) The program shall be designed to protect the public health and the environment by providing for the safe, secure and accessible collection and disposal of hypodermic needles and lancets. The department of public health, in consultation with the department of environmental protection, shall adopt regulations to ensure the safe, secure and accessible collection and disposal of hypodermic needles and lancets, and shall provide recommendations for legislative action to the joint committee on public health, the senate and house committees on ways and means and the clerks of the senate and house of representatives. Included in the recommendations for legislative action shall be recommended punishments and fines for the inappropriate, unsafe or unlawful disposal of the hypodermic needles and lancets.

SECTION 4. Section 32I of said chapter 94C, as so appearing, is hereby further amended by inserting after the word "possess", in line 1, the following words:- or purchase.

SECTION 5. Said section 32I of said chapter 94C, as so appearing, is hereby further amended by striking out, in line 6, the word ", inject".

SECTION 6. Said section 32I of said chapter 94C, as so appearing, is hereby further amended by adding the following paragraph:-

(d) This section shall not apply to the sale of hypodermic syringes or hypodermic needles to persons over the age of 18 pursuant to section 27.

SECTION 7. Chapter 111 of the General Laws, is hereby amended by inserting after section 25J, the following section:-

Section 25K. The department shall develop an educational insert to accompany the sale of hypodermic syringes and needles. This educational insert shall include, but not be limited to: (1) information on the proper use of hypodermic syringes and needles; (2) the risk of blood-borne diseases that may result from the use of hypodermic syringes and needles and methods for preventing contracting or transmitting such diseases; (3) proper hypodermic syringe and needle disposal practices; and (4) the toll-free telephone numbers of the commonwealth's AIDS and Hepatitis C hotlines and the Massachusetts Substance Abuse Information and Education Helpline. This educational insert shall be provided to purchasers of hypodermic syringes or needles at the point of sale.

SECTION 8. Chapter 175 of the General Laws is hereby amended by inserting after section 47X the following section:—

Section 47Y. (a) No individual policy of accident and sickness insurance issued or renewed pursuant to section 110 shall restrict or discontinue coverage for medically necessary hypodermic syringes or needles, notwithstanding section 27 of chapter 94C. The term "medical necessity" shall be construed in accordance with the guidelines set forth in subsection (b) of section 16 of chapter 176O. Nothing in this section shall prohibit applicable co-payments, deductibles, coinsurance or other cost sharing features.

(b) This section shall not apply to individual policies of accident and sickness insurance that are accident only, credit-only, limited scope dental benefits if offered separately, disability income insurance, coverage issued as a supplement to liability insurance, insurance arising out of a workers' compensation law or similar law, automobile medical payment insurance, insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in a liability insurance policy or equivalent self insurance, long-term care if offered separately, coverage supplemental to the coverage provided under 10 U.S.C. chapter 55 if offered as a separate insurance policy, any policy subject to chapter 176K and hospital indemnity insurance policies if offered as independent, non-coordinated benefits. For the purposes of this section, "hospital indemnity insurance policies" shall mean policies issued pursuant to this chapter which provide a benefit not to exceed $500 per day, as adjusted on an annual basis by the amount of increase in the average weekly wages in the commonwealth as defined in section 1 of chapter 152, to be paid to an insured or a dependent, including the spouse of an insured, on the basis of a hospitalization of the insured or a dependent.

SECTION 9. Chapter 176A of the General Laws is hereby amended by inserting after section 8Y, the following section:—

Section 8Z. No contract between a subscriber and the corporation under an individual or group hospital service plan which is delivered, issued or renewed in the commonwealth shall restrict or discontinue coverage for medically necessary hypodermic syringes or needles to any individual and group subscribers within the commonwealth and to any group subscribers having a principal place of employment within the commonwealth, notwithstanding section 27 of chapter 94C. The term "medical necessity" shall be construed in accordance with the guidelines set forth in subsection (b) of section 16 of chapter 176O.

SECTION 10. Chapter 176B of the General Laws, is hereby amended by inserting after section 4Y, the following section:—

Section 4Z. No subscription certificate under an individual or group medical service agreement, delivered, issued or renewed in the commonwealth shall restrict or discontinue coverage for medically necessary hypodermic syringes or needles to any individual or group subscribers within the commonwealth or to any group subscribers having a principal place of employment within the commonwealth, notwithstanding section 27 of chapter 94C. The term "medical necessity" shall be construed in accordance with the guidelines set forth in subsection (b) of section 16 of chapter 176O.

SECTION 11. Chapter 176G of the General Laws is hereby amended by inserting after section 4Q, the following section:—

Section 4R. No individual or group health maintenance contract shall restrict or discontinue coverage for medically necessary hypodermic syringes or needles, notwithstanding section 27 of chapter 94C. The term "medical necessity" shall be construed in accordance with the guidelines set forth in subsection (b) of section 16 of chapter 176O.

SECTION 12. Chapter 265 of the General Laws is hereby amended by inserting after section 15B the following section:-

Section 15C. (a) Whoever commits an assault upon another, by means of a hypodermic syringe, hypodermic needle, or any instrument adapted for the administration of controlled or other substances by injection, shall be punished by imprisonment in the state prison for not more than 10 years or in the house of correction for not more than 2½ years, or by a fine of not more than $1,000, or by both such fine and imprisonment.

(b) Whoever commits an assault and battery upon another, by means of a hypodermic syringe, hypodermic needle, or any instrument adapted for the administration of controlled or other substances by injection, shall be punished by imprisonment in the state prison for not more than 15 years or in the house of correction for not more than 2½ years, or by a fine of not more than $5,000, or by both such fine and imprisonment.

SECTION 13. The schedule of forms and pleadings in section 79 of chapter 277 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the forms of complaint or indictment for: Possession of hypodermic instrument, at lines 464 to 465, inclusive, and Sale and delivery of hypodermic instrument, at lines 466 to 467, inclusive.

SECTION 14. The department of public health, in consultation with the department of environmental protection, shall adopt its initial regulations and provide its initial legislative recommendations under section 27A of chapter 94C of the General Laws, not later than 90 days following the effective date of this act.

SECTION 15. The department of public health shall perform a comprehensive study and review of the existing needle exchange programs established pursuant to section 215 of chapter 111 of the General Laws. The study shall include, but not be limited to: a review and analysis of the relationship between the provisions of this act and the operation of the needle exchange programs; the success of existing needle exchange programs; whether existing needle exchange programs should be maintained without change, phased out or expanded to other municipalities.

SECTION 16. Not earlier than 24 months and not later than 36 months after the effective date of this act, the department of public health shall submit a report to the house and senate committees on ways and means and the joint committee on public health which shall include analysis of the impact of this act. The report shall include, but not be limited to: statistics on the methods hypodermic syringes and hypodermic needles are disposed; increases or decreases in the spread of hepatitis C and human immunodeficiency virus; and proposed changes to this act consistent with the public health and welfare.

SECTION 17. The department of public health shall provide a report to the general court on the program for the collection and disposal of non-commercially generated, spent hypodermic needles and lancets pursuant to section 27A of chapter 94C of the General Laws. The report shall be filed with the clerks of the senate and house of representatives by July 20, 2006. The report shall include the proposed location of sharps collection centers, and the department shall notify each city and town of the locations of proposed collection centers in that city or town. The department shall also make this list of proposed collection centers available online. Section 27 of said chapter 94C, as amended by this act, shall take effect on

September 18, 2006.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on July 13, 2006, and in concurrence by the Senate on July 13, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 173. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2006 TO PROVIDE FUNDING TO PROMOTE THE REDEVELOPMENT OF FORT DEVENS.

Be it enacted, etc., as follows:

SECTION 1. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in section 2A are hereby appropriated from the General Fund unless specifically designated otherwise, for the several purposes and subject to the conditions specified in this act, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2006; provided, that said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items; and provided further, that all funds appropriated in section 2A shall be available for expenditure until June 30, 2007.

NO SECTION 2.

SECTION 2A.

DEPARTMENT OF BUSINESS AND TECHNOLOGY

7007-1400 For the Massachusetts Development Finance Agency for infrastructure investments to support the construction of a large-scale biologics pharmaceutical manufacturing facility to be located at the Devens Regional Enterprise Zone; provided, that not more than $20,000,000 shall be expended for the planning, design, permitting, construction, site preparation and development of a wastewater pre-treatment facility, and ancillary improvements, to support this manufacturing facility; and provided further, that not more than $11,000,000 shall be expended for the design, planning, permitting, site preparation, construction, and development, of infrastructure

and other improvements, and upgrades to the existing electric and gas utility systems, to support the operation of this manufacturing facility $31,000,000

7007-1002 For the Massachusetts Development Finance Agency for capital improvements at the Devens Regional Enterprise Zone, provided that these funds shall be in addition to any amounts previously appropriated or otherwise given to Massachusetts Development Finance Agency; and provided further, that these funds shall be deposited by the Massachusetts Development Finance Agency into its Devens Fund and shall be used to support capital activities in connection with its statutory mandate under chapter 498 of the acts of 1993 ..... $3,000,000

SECTION 3. Notwithstanding subsections (b) to (d), inclusive, of section 38N of chapter 63 of the General Laws, in the event that a credit allowed under said section 38N of said chapter 63 exceeds the tax otherwise due under said chapter 63, the balance of that credit shall be refundable to the taxpayer in the taxable year in which qualified property giving rise to that credit is placed in service, but:

(a) this section shall apply only to credits generated by projects in the biotechnology industry, certified on or after June 1, 2006 and before June 1, 2008;

(b) over a period not to exceed 8 years, the taxpayer shall commit in writing to the cumulative investment of not less than $650 million in the project, and the creation, cumulatively, of not fewer than 550 new jobs involving permanent full-time employees, both direct and contracted, and these jobs shall be located at the project site;

(c) if the commissioner determines at any point within 3 years after the period specified in paragraph (b) that the taxpayer has not fulfilled the new job commitments specified in this section, the commissioner shall, at the time of this determination and without regard to limitations on the period of assessment otherwise applicable under section 26 of chapter 62C of the General Laws, assess the taxpayer an amount of tax equal to:

(i) if the taxpayer has not created at least 350 new jobs in the 8-year period in connection with the project, the cumulative credits refunded to the taxpayer under section 38N of chapter 63 of the General Laws in connection with the project; or

(ii) if the taxpayer has created at least 350 new jobs in the 8-year period in connection with the project but fewer than 550 new jobs, the cumulative credits refunded to the taxpayer under said section 38N of said chapter 63 multiplied by a ratio, the numerator of which is the number by which the new jobs created is less than 550 and the denominator of which is 550;

(d) in the event that the taxpayer is assessed a tax under paragraph (c), the taxpayer shall be allowed to offset the tax using any credits to which the taxpayer would have otherwise been entitled, before the commissioner's determination, in the absence of this section, and shall be entitled to carry over any additional credits to which the taxpayer would

have otherwise been entitled as provided in subsections (b) and (d) of said section 38N of said chapter 63;

(5) at any point during the period specified in paragraph (c), the taxpayer shall promptly make available to the commissioner, upon his request, records that the commissioner may require to confirm compliance with the commitments and other provisions of this section; and

(6) nothing in this section shall limit the potential recapture of credits taken by a taxpayer, as provided in subsection (a) and in subsection (e) of section 31A of said chapter 63.

SECTION 4. As used in the act, the following terms shall, unless otherwise required, have the following meanings:

"Project", the design, planning, permitting, site preparation, construction, development, and operation of infrastructure and other improvements, including demolition of existing structures and design and construction of necessary replacement structures on adjacent or proximate land, and upgrades to the existing electric and gas utility systems serving the Devens Regional Enterprise Zone, as established by chapter 498 of the acts of 1993, to support the operation of a large scale biologics pharmaceutical manufacturing facility, or reasonably required to facilitate complete development, construction, and operation of such a facility.

"MassDevelopment", the Massachusetts Development Finance Agency, created and existing under chapter 23G of the General Laws.

SECTION 5. Notwithstanding any general or special law, rule, or regulation to the contrary, MassDevelopment shall be considered to be exercising its powers under clause (6) of section 3 of chapter 23G of the General Laws, in connection with any actions taken in accordance with this act. MassDevelopment may further expend the funds appropriated in this act through grant, direct payment, reimbursement, loan or other financial assistance.

SECTION 6. (a) Notwithstanding any general or special law, rule, or regulation to the contrary, MassDevelopment is authorized to employ alternative methods of procurement relative to the design, demolition, construction, reconstruction, improvement, renovation, enlargement, expansion, remodeling, repair or build-out of any and all improvements, that may be useful or necessary from time to time in connection with the project, including, without limitation, turnkey, design-build, lease, or lease purchase.

(b) The acquisition, procurement, construction, reconstruction, improvement, renovation, enlargement, expansion, remodeling, alteration, repair, build-out, development, financing, management, maintenance, operation or leasing of all or any portion of lands in furtherance of the project and any contract for construction and design or other consulting services for or relating to, the construction, reconstruction, improvement, renovation, enlargement, expansion, remodeling, alteration, repair, build-out, development, financing, management, maintenance, operation or leasing of all or any portion of other lands in furtherance of the project shall be exempt from section 38A½ to 38O, inclusive, of chapter 7

of the General Laws, section 44A to 44J, inclusive, of chapter 149 of the General Laws, and section 39M of chapter 30 of the General Laws or any other special or general law or rule or regulation providing for the advertising, procurement, or bidding of construction, design, planning, consulting, materials purchasing, development, financing, management, leasing or improvements to, or the acquisition of, or disposition of interest in real or personal property.

(c) All actions taken by MassDevelopment under this section 6 before the effective date of this act are hereby ratified and approved.

SECTION 7. (a) There shall be a Devens Biologics Pharmaceutical Manufacturing Development Site, in this act called the site. The boundaries of the site shall be defined as follows: A certain parcel of real property comprised of approximately 100.5 acres of land, more or less, located within that portion of the Innovation & Technology Business District within the Devens Regional Enterprise Zone and located north of Patton Road, beginning at a point at the southeasterly corner of Queenstown Street at Patton Road; thence, westerly along Patton Road to a point at the southeast corner of Parcel 9-4-500; thence, northerly and westerly along Parcel 9-4-500 to a point at the easterly sideline of Jackson Road; thence, northerly along Jackson Road to a point at the southwest corner of Parcel 13-4-600; thence, easterly, northeasterly and northwesterly along Parcel 13-4-600 to a point on the northeasterly sideline of Parcel 13-4-600 perpendicular to the southwesterly corner of Parcel 14-4-900; thence northeasterly along the southerly sideline of Parcel 14-4-900 to a point on the southerly sideline of Parcel 14-4-100; thence, southeasterly, northeasterly, southeasterly, southwesterly, southeasterly, and northeasterly along Parcel 14-4-100 to a point at the southwesterly corner of Parcel 14-4-800, thence southerly along the easterly sideline of Parcel 14-4-800 to the northerly corner of Parcel 10-4-1700; thence southerly along the easterly sideline of Parcel 10-4-1700 to a point on the easterly sideline of Queenstown Street; thence, southerly along the easterly sideline of Queenstown Street to the point of beginning.

(b) Notwithstanding any general or special law or rule or regulation, by-law or ordinance to the contrary, and to advance the regional development objectives for which the Devens Regional Enterprise Zone was established, the buildings permitted for a biologics pharmaceutical manufacturing facility located within the site shall be exempt from the height limits otherwise applicable within the Devens Regional Enterprise Zone but shall not exceed 120 feet, and in no event shall the building height be greater than 478 feet above sea level, as referenced by the National Geodetic Vertical Datum (NGVD) of 1929, and the boundaries of Devens Zoning District #4 (Innovation and Technology Business) shall be modified to be 50 feet from and parallel to Patton Road between Queenstown Street and Parcel 9-4-500.

(c) All other applicable provisions of chapter 498 of the acts of 1993, as amended, the zoning by-laws for the Devens Regional Enterprise Zone, the rules and regulations of the Devens Enterprise Commission, and the Reuse Plan of the Devens Regional Enterprise Zone not inconsistent with this act shall apply to the Devens Biologics Pharmaceutical Manufacturing Development Site.

(d) The privileges, immunities, rights, and obligations afforded by this act shall lapse 2 years after the effective date of this act, unless, before that date, an initial building permit for a pharmaceutical manufacturing facility is issued by the Devens Enterprise Commission established under chapter 498 of the acts of 1993.

SECTION 8. The board of selectmen of the town of Harvard shall have the option of convening an advisory committee of persons concerned with the effects of development at the site, as defined in section 7. The advisory committee shall make recommendations to ensure that the visual impact of development at the site is mitigated to the greatest extent reasonably possible.

SECTION 9. This act shall take effect upon its passage.

Approved, July 21, 2006.

Chapter 174. AN ACT PROVIDING FOR DIRECT BILLING OF CERTAIN PATHOLOGY TESTS.

Be it enacted, etc., as follows:

Chapter 118G of the General Laws is hereby amended by adding the following section:—

Section 29. (a) For the purposes of this section, the following words shall have the following meanings:-

"Anatomic pathology service", histopathology, surgical pathology, cytopathology, hematology, sub-cellular pathology, molecular pathology and blood-banking services performed by a pathologist.

"Cytopathology", the examination of cells from the following: (i) fluids; (ii) aspirates; (iii) washings; (iv) brushings; (v) or smears, including the pap test examination performed by a physician or under the supervision of a physician.

"Hematology", the microscopic evaluation of bone marrow aspirates and biopsies performed by a physician or under the supervision of a physician, and peripheral blood smears when the attending or treating physician or technologist requests that a blood smear be reviewed by a pathologist.

"Histopathology or surgical pathology", the gross and microscopic examination of organ tissue performed by a physician or under the supervision of a physician.

(b) A clinical laboratory or physician providing anatomic pathology services for patients in the commonwealth shall present or cause to be presented a claim, bill or demand for payment for these services only to the following: (i) the patient directly; (ii) the responsible insurer or other third-party payor; (iii) the hospital, public health clinic or nonprofit health clinic ordering such services; (iv) the referral laboratory or a physician's office laboratory when the physician of such laboratory performs the anatomic pathology service; or (v) the governmental agency or its specified public or private agent, agency or organization on behalf of the recipient of the services.

(c) Except as provided under this section, no licensed practitioner shall, directly or indirectly, charge, bill or otherwise solicit payment for anatomic pathology services unless such services were rendered personally by the licensed practitioner or under the licensed practitioner's direct supervision under section 353 of the Public Health Service Act (42 U.S.C. 263a).

(d) No patient, insurer, third party payor, hospital, public health clinic or non-profit health clinic shall be required to reimburse any licensed practitioner for charges or claims submitted in violation of this section.

(e) Nothing in this section shall be construed to mandate the assignment of benefits for anatomic pathology services.

(f) This section shall not prohibit billing between laboratories for anatomic pathology services in instances where a sample or samples must be sent to another specialist. This paragraph shall not permit billing for anatomic pathology services of a physician's office laboratory when the physician of such laboratory has not performed the anatomic pathology service.

(g) The board of registration in medicine may revoke, suspend or deny renewal of the license of any practitioner who violates this section.

Approved, July 21, 2006.

Chapter 175. AN ACT PROVIDING FUNDS FOR THE ESSENTIAL COMMUNITY PROVIDER TRUST.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith grants for hospitals and community health centers to serve populations in need, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. (a) Notwithstanding any general or special law to the contrary, the comptroller, in consultation with the secretary of health and human services, shall develop a schedule for transferring not less than $38,000,000 from the General Fund to the Essential Community Provider Trust Fund established under section 2PPP of chapter 29 of the General Laws for the purpose of making payments to hospitals and community health centers in fiscal year 2007. The secretary shall authorize expenditures from the fund without further appropriation for the purpose of a grant program to improve and enhance the ability of hospitals and community health centers to serve populations in need, more efficiently and effectively, including, but not limited to, the ability to provide community-based care, clinical support, care coordination services, disease management services, primary care services and pharm-

acy management services through a grant program. The office shall consider applications from acute hospitals, non-acute hospitals, and community health centers in awarding the grants; but, the office shall publicize the existence of the grant program to eligible providers and shall award grants no later than September 1, 2006. The criteria for selection shall include, but not be limited to, the following:-

(1) financial performance measures including negative operating margins, insufficient cash flow, technical bond default and the uncertain ability to cover long-term obligations, as well as potential for loss of critical community services;

(2) the percentage of patients with mental or substance abuse disorders served by a provider;

(3) the numbers of patients served by a provider who are chronically ill, elderly, or disabled, provided that in the case of a community health center, that preference be given to the provision of a Program of All-Inclusive Care for the Elderly;

(4) the payer mix of the provider, with preference given to acute hospitals where a minimum of 63 percent of the acute hospital's gross patient service revenue is attributable to Title XVIII and Title XIX of the federal Social Security Act or other governmental payors, including reimbursements from the Uncompensated Care Pool;

(5) the percentage of total annual operating revenue that received funding in fiscal years 2005 and 2006 from the Distressed Provider Expendable Trust Fund comprised for the provider;

(6) the cultural and linguistic challenges presented by the populations served by the provider;

(7) a documented critical need for investment in information technology such as Computerized Physician Order Entry systems but without access to capital to finance such investments; and

(8) the provision by a community health center of 24 hour emergency services.

(b) The secretary may further authorize distributions on an emergency basis to acute hospitals, non-acute hospitals and community health centers facing extreme financial distress or closure upon petition from the provider. The emergency funds shall be distributed by the secretary within 2 weeks of petition by a provider that is determined to be facing extreme financial distress or closure at an amount determined by the secretary.

SECTION 2. This act shall take effect as of July 1, 2006.

The foregoing was laid before the Governor on the Thirteenth day of July, 2006 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 176. AN ACT TRANSFERRING CERTAIN FUNDS TO THE MEDICAL ASSISTANCE TRUST FUND.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to transfer forthwith certain funds to the MassHealth provider program account, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The comptroller shall, in consultation with the office of the state treasurer, the executive office for administration and finance, and the executive office of health and human services, develop a schedule and make a series of transfers not to exceed $346,000,000 from the General Fund to the MassHealth provider payment account in the Medical Assistance Trust Fund.

SECTION 2. This act shall take effect as of July 1, 2006.

The foregoing was laid before the Governor on the Thirteenth day of July, 2006 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 177. AN ACT FURTHER REGULATING THE USE OF TARGET SHOOTING WEAPONS.

Be it enacted, etc., as follows:

Section 123 of chapter 140 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

Clauses Eighteenth to Twenty-first, inclusive, of the first paragraph shall not apply to: (a) any firearm lawfully owned or possessed under a license issued under this chapter on or before October 21, 1998; or (b) any firearm designated by the secretary of public safety, with the advice of the gun control advisory board established pursuant to section 131½ of chapter 140, as a firearm solely designed and sold for formal target shooting competition. The secretary of public safety shall compile a list, on a bi-annual basis, of firearms designated as formal target shooting firearms in accordance with this paragraph. Such list shall be made available for distribution by the executive office of public safety.

Approved July 26, 2006.

Chapter 178. AN ACT AUTHORIZING THE MARTHA'S VINEYARD REGIONAL HIGH SCHOOL DISTRICT TO LEASE CERTAIN LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the Martha's Vineyard regional high school district may lease a certain parcel of land to the YMCA of Martha's Vineyard, Inc., a non-profit corporation, for a term not to exceed 75 years, for the purpose of facilitating the construction, operation and maintenance of a community recreational facility by the YMCA of Martha's Vineyard, Inc., including, but not limited to, 1 or more swimming pools. The parcel is comprised of 5 acres on the north side of Vineyard Haven-Edgartown Road, being more precisely described as a 5-acre portion of land appearing as map 50, parcel 29 on the Oak Bluffs assessors map.

SECTION 2. Before the lease of the land, the Martha's Vineyard regional high school district committee shall ensure that an independent appraisal of the land is conducted. The YMCA of Martha's Vineyard, Inc., shall be responsible for any costs associated with the appraisal and for any costs associated with surveys and other expenses relating to the lease of the land.

SECTION 3. Upon the effective date of this act, the terms of the lease including, but not limited to, the consideration to be paid by the YMCA of Martha's Vineyard, Inc., to the Martha's Vineyard regional high school district for the lease of the land shall be negotiated by the Martha's Vineyard regional high school district committee. The lease shall include provisions to ensure community accessibility, in a manner consistent with the YMCA's status as a public charity. If the Martha's Vineyard regional high school district committee negotiates an amount for the lease that is less than the determined fair market value, the Martha's Vineyard regional high school district committee shall publish notice in a newspaper in the locality with a circulation sufficient to inform the interested public and in the central register explaining the reason for the decision and disclosing the difference between the value and the price to be received.

SECTION 4. If the land, during the term of the lease described in section 1, is ever used for any purpose other than the purposes listed in section 1 or listed within the terms of the lease that is ultimately negotiated by the Martha's Vineyard regional high school district, the authorization to lease the land to the YMCA of Martha's Vineyard, Inc., granted by this act shall immediately become null and void and any leasehold interest in the land shall immediately revert to the Martha's Vineyard regional high school district.

Approved July 27, 2006.

Chapter 179. AN ACT AUTHORIZING CERTAIN HOUSING IN THE TOWN OF WESTBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. The exemptions from age discrimination in subsections 6 and 7 of section 4 of chapter 151B of the General Laws for residency in communities consisting of structures constructed expressly for use as housing for person 55 years of age or older on 1 parcel or on contiguous parcels of land totaling at least 5 acres in size shall apply to structures constructed expressly for use as housing for persons 55 years of age or older at 24-26 Park Street comprised of parcels designated as Blocks 58A and 59 of Map 27, in the town of Westborough, notwithstanding the failure of the parcel or parcels to contain at least 5 acres of land.

SECTION 2. This act shall take effect upon its passage.

Approved July 27, 2006.

Chapter 180. AN ACT AUTHORIZING THE CITY OF REVERE TO USE CERTAIN PARK LAND FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the city of Revere may use a certain parcel of dedicated park and recreation land known as DiSalvo Park for construction of a new middle and elementary school and for other school purposes. The parcel of land is shown on the city of Revere assessors map at map 23, block 429, parcel 1. The school department shall be required to reconstruct a new DiSalvo Park on the abutting school property on the same parcel in the area that is currently the site of the old Whelan school.

Approved July 27, 2006.

Chapter 181. AN ACT PROVIDING FOR A PARTIAL RELEASE OF CERTAIN LAND IN THE TOWN OF HATFIELD FROM THE OPERATION OF AN AGRICULTURAL PRESERVATION RESTRICTION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the release of a certain agricultural preservation restriction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Under section 40E of chapter 7 and section 32 of chapter 184 of the General Laws, but notwithstanding any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of agricultural resources, may execute a certificate releasing a certain parcel of land from that agricultural preservation restriction, in this act referred to as "APR", granted by Luther Belden, Inc., a Massachusetts corporation, Bradstreet Depot Road, Hatfield, MA, in this act referred to as "owner", to the commonwealth, dated September 20, 1986, recorded in the Hampshire county registry of deeds at Book 2984, Page 0295. The parcel of land to be released is more particularly described as follows:

One certain parcel of land shown as Parcel B on a plan of land entitled, "Plan of Land surveyed for Luther Belden, Inc., located in Hatfield, Mass., scale: 1" 100', Daniel L. Werner, P.L.S., Greenfield, MA, dated December 1, 2003", which plan is to be recorded in Hampshire county registry of deeds with a certificate of partial release.

SECTION 2. Parcel B to be released, as described in section 1, is to be transferred by owner to the owner of nearby land, the Sanford A. and Elizabeth G. Belden Revocable Trust, a trust established under New York law by Agreement of Trust dated May 23, 2003, and recorded in the Hampshire county registry of deeds at Book 7266, Page 279, 9 Lynacres Boulevard, Fayetteville, N.Y., 13066, in this act referred to as the "trust". The trust has agreed to and shall concurrently transfer and convey to owner a certain parcel of land owned by the Trust and shown on the described plan as "Parcel A."

SECTION 3. Parcel A, upon transfer to owner, shall become subject to the APR and shall become part of the land of owner that is currently subject to the APR. In consideration of the release from the APR of Parcel B, owner has agreed to, and shall execute concurrently with the described transfers of Parcels A and B, an amendment to the APR and property description reflecting the addition of Parcel A to the APR, in form satisfactory to the commissioner of agricultural resources. The amendment shall be recorded at the Hampshire county registry of deeds together with the new deeds to Parcels A and B, the new plan, and the certificate of partial release, as described above. If owner fails to execute the described new amendment to the APR or the trust does not duly transfer Parcel A to owner to become subject to the restriction, as amended, the APR shall be reimposed on Parcel B, unless the APR is released or discharged by the commonwealth in its entirety in the interim.

SECTION 4. Except as partially released by the recording of the certificate of partial release covering Parcel B as described in section 1, as authorized by this act, the APR shall remain in full force and effect.

SECTION 5. Chapter 225 of the acts of 2002 is hereby repealed.

Approved July 27, 2006.

Chapter 182. AN ACT AUTHORIZING THE APPOINTMENT OF CERTAIN POLICE OFFICERS IN THE TOWN OF MILFORD.

Be it enacted, etc., as follows:

SECTION 1. The personnel administrator of the division of human resources shall certify Antonio F. Dinis to be eligible for original appointment to the position of police officer in the town of Milford according to the grade he received on the examination for police officer held in April of 2005, notwithstanding the maximum age requirement for the position. If Antonio F. Dinis meets all other requirements for certification as a police officer, the town of Milford may appoint him.

SECTION 2. The personnel administrator of the division of human resources shall certify Robert L. Tusino to be eligible for original appointment to the position of police officer in the town of Milford according to the grade he received on the examination for police officer held in April of 2005, notwithstanding the maximum age requirement for the position. If Robert L. Tusino meets all other requirements for certification as a police officer, the town of Milford may appoint him.

SECTION 3. This act shall take effect upon its passage.

Approved July 27, 2006.

Chapter 183. AN ACT RELATIVE TO APPOINTMENT OF A NON-CIVIL SERVICE CHIEF OF POLICE IN THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

SECTION 1. Section 21 of chapter 240 of the acts of 1899, as most recently amended by chapter 368 of the acts of 1986, is hereby further amended by inserting after the word "police", in line 6, the following words:- , who shall be appointed in the manner provided by ordinance and shall have an employment agreement for a term of no more than 5 years,.

SECTION 2. The position of chief of police of the city of Somerville shall be exempt from chapter 31 of the General Laws.

SECTION 3. Section 2 shall not impair the civil service status of any person holding the position of chief of police in the city of Somerville on the effective date of this act.

SECTION 4. This act shall take effect upon its passage.

Approved July 27, 2006.

Chapter 184. AN ACT AUTHORIZING THE APPOINTMENT OF SPECIAL POLICE OFFICERS IN THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the mayor of the city of Somerville may appoint special police officers as he deems necessary for the purpose of performing police details or any police duties arising therefrom or during the course of police detail work, regardless of whether or not related to detail work. Special police officers so appointed shall not have reached the age of 66 years old. A special police officer shall have passed a medical examination, by a physician or other certified medical professional chosen by the city, to determine that the officer is capable of performing the essential duties of a special police officer, the cost of which examination shall be borne by the special police officer prior to performing police details or any police duties. A special police officer must be a former city of Somerville police officer retired for superannuation pursuant to section 5 of chapter 32 of the General Laws or a current Somerville housing authority police officer.

SECTION 2. Unless otherwise set forth in this act, chapter 31 of the General Laws, chapter 32 of the General Laws, section 99A of chapter 41 of the General Laws, sections 100 and 111F of chapter 41 of the General Laws and chapter 152 of the General Laws, and rules promulgated under such laws, shall not apply to special police officers appointed under this act, except that current Somerville housing authority police officers appointed as special police officers under this act shall be entitled to the benefits provided in said chapter 152 of the General Laws under insurance coverage provided by or through the Somerville housing authority and such appointment as a special police officer shall not be effective without such coverage.

SECTION 3. Special police officers shall, when performing the duties pursuant to section 1 above, have the same power to make arrests and to perform other police functions as regular police officers of the city.

SECTION 4. Special police officers may be appointed for a term of 1 year or less and may be suspended, removed or discharged at any time by the mayor with 14 days written notice. Upon request, the mayor shall provide the reasons for suspension, removal or discharge in writing. Such suspension, removal or discharge shall be the final decision of the city.

SECTION 5. Special police officers shall also be subject to the rules and regulations, policies and procedures and requirements of the Somerville police chief, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms licensing and qualifications, and requirements regarding uniforms and equipment. Special police officers who are retired Somerville police officers shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 6. Special police officers shall be sworn before the city clerk of the city who shall keep a record of all such appointments.

SECTION 7. Appointment as a special police officer does not entitle any individual appointed as such to assignment to any detail or details.

SECTION 8. Special police officers appointed pursuant to this act who are retired Somerville police officers shall be subject to the limitations on hours worked and on payments to retired city employees pursuant to paragraph (b) of section 91 of chapter 32 of the General Laws. The police chief shall devise a method for the assignment of details to retired police officers, with the approval of all relevant collective bargaining units.

SECTION 9. Chapter 368 of the acts of 1986 is hereby repealed.

SECTION 10. This act shall take effect upon its passage.

Approved July 27, 2006.

Chapter 185. AN ACT RELATIVE TO THE CANCELLATION OR MODIFICATION OF AN INSURANCE PRODUCER'S CONTRACT.

Be it enacted, etc., as follows:

The first paragraph of section 163 of chapter 175 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the third sentence the following sentence:— The notice of cancellation, modification or expiration shall include a copy of the preceding sentence.

Approved July 27, 2006.

Chapter 186. AN ACT ABOLISHING THE LIBRARY DISTRICT IN THE TOWNS OF MENDON AND UPTON.

Be it enacted, etc., as follows:

Chapter 46 of the acts of 2001 is hereby repealed.

Approved July 27, 2006.

Chapter 187. AN ACT REGULATING THE APPOINTMENT OF APPRENTICE LINEMEN.

Be it enacted, etc., as follows:

Chapter 31 of the General Laws is hereby amended by inserting after section 28 the following section:-

Section 28A. Notwithstanding any general or special law to the contrary, in any city or town which accepts this section, no person shall be eligible to have his name certified for original appointment to the position of apprentice lineman in a municipal light department if that person has reached his thirty-second birthday on the date of appointment. A veteran shall be allowed to exceed the maximum age provision of this section by the number of years served on active military duty, but in no case shall a candidate for appointment be credited with more than 4 years of active military duty.

Approved July 27, 2006.

Chapter 188. AN ACT AMENDING THE TOXICS USE REDUCTION ACT.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 21I of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the definition of "Agency" the following definition:-

"Board", the science advisory board of the Toxics Use Reduction Institute at the University of Massachusetts Lowell.

SECTION 2. Said section 2 of said chapter 21I is hereby further amended by striking out the definition of "Byproduct" and inserting in place thereof the following definition:-

"Byproduct" non-product outputs of toxic or hazardous substances generated by a production unit, before handling, transfer, treatment or release. Otherwise used substances shall be counted as byproduct when they leave a production unit.

SECTION 3. Said section 2 of said chapter 21I, as so appearing, is hereby further amended by inserting after the definition of "Emission" the following definition:-

"Environmental management system", a quality-based management system that effectively integrates environmental considerations into an organization's day-to-day operations and management culture. The department and the council shall have responsibilities to further define an environmental management system as it relates to this chapter. In order to be eligible to be an alternative to toxic use reduction planning, the environmental management system shall, at a minimum, meet the following criteria: (a) include all production units that use TURA-listed chemicals used in reportable quantities as part of the environmental management system; (b) identify all TURA-listed chemicals used in reportable quantities as significant aspects; (c) consider toxics use reduction when identi-

fying significant aspects and developing associated objectives and targets; (d) emphasize source reduction in achieving objectives; and (e) incorporate appropriate environmental performance metrics when developing objectives and targets.

SECTION 4. Said section 2 of said chapter 21I, as so appearing, is hereby further amended by inserting after the definition of "Facility" the following 2 definitions:-

"Higher hazard substance", a substance designated as a higher hazard substance pursuant to section 9.

"Institute", the Toxics Use Reduction Institute at the University of Massachusetts Lowell.

SECTION 5. Said section 2 of said chapter 21I, as so appearing, is hereby further amended by inserting after the definition of "Large quantity toxics user", the following definition:-

"Lower hazard substance", a substance designated as a lower hazard substance pursuant to section 9.

SECTION 6. Said section 2 of said chapter 21I, as so appearing, is hereby further amended by striking out the definition of "Manufacture" and inserting in place thereof the following definition:-

"Manufacture", to produce, prepare, import or compound a toxic or hazardous substance. Manufacture shall also mean to produce a toxic or hazardous substance coincidentally during the manufacture, processing, use, or disposal of another substance or mixture of substances, including a toxic substance that is separated from that other substance or mixture of substances as a byproduct, and a toxic substance that remains in that other substance or mixture of substances as an impurity.

SECTION 7. Said section 2 of said chapter 21I, as so appearing, is hereby further amended by striking out the definition of "Office" and inserting in place thereof the following definition:-

"Office", office of technical assistance and technology within the executive office of environmental affairs.

SECTION 8. Said section 2 of said chapter 21I, as so appearing, is hereby further amended by inserting after the definition of "Production unit" the following definition:-

"Resource conservation", an action that decreases the use or consumption of a natural asset such as water, energy, or raw materials, or increases the efficiency of the use of the asset, without increasing the risk to the public, including workers and consumers, or the environment and without increasing the amount of waste generated.

SECTION 9. said section 2 of said chapter 21I, as so appearing, is hereby further amended by striking out the definition of "Threshold amounts" and inserting in place thereof the following definition:-

"Threshold amounts", the thresholds for toxics or hazardous substances as established in section 9A.

SECTION 10. Said section 2 of said chapter 21I, as so appearing, is hereby further amended by striking out the definition of "Toxics user" and inserting in place thereof the following definition:-

"Toxics user", a person who owns or operates a facility that manufactures, processes or otherwise uses any toxic or hazardous substance that is classified in SIC Codes 10 to 14, inclusive, 20 to 40, inclusive, 44 to 51, inclusive, 72, 73, 75, or 76 or the corresponding NAICS code.

SECTION 11. Said section 2 of said chapter 21I, as so appearing, is hereby further amended by striking out the definition of "Toxic or hazardous substance" and inserting in place thereof the following definition:-

"Toxic or hazardous substance", a substance in a gaseous, liquid, solid or other form which is identified on the toxic or hazardous substance list established pursuant to section 9, but which will not include any substance when it is (1) present in an article; (2) used as a structural component of a facility; (3) present in a product used for routine janitorial or facility grounds maintenance; (4) present in foods, drugs, cosmetics or other personal items used by employees or other persons at a facility; (5) present in a product used for the purpose of maintaining motor vehicles operated by a facility; (6) present in process water or non-contact cooling water as drawn from the environment or from municipal sources, or present in air used either as compressed air or as part of combustion; (7) present in a pesticide or herbicide when used in agricultural applications; (8) present in crude, lubricating or fuel oils or other petroleum materials being held for direct wholesale or retail sale; or (9) present in crude or fuel oils used in combustion to produce electricity, steam or heat except when production of electricity, steam or heat is the primary business of a facility.

SECTION 12. Said section 2 of said chapter 21I, as so appearing, is hereby further amended by inserting after the definition of "Trade secret" the following definition:-

"TURA", the toxics use reduction act.

SECTION 13. Section 3 of said chapter 21I, as so appearing, is hereby amended by striking out paragraph (H) and inserting in place thereof the following paragraph:-

(H) The department annually shall compile, analyze and summarize the reports required by section 10, to the extent available, and shall submit a report to the council on the agency's findings regarding progress in toxics use reduction and emissions reduction in the commonwealth. A copy of the report shall be filed with the clerk of the house of representatives and the clerk of the senate.

SECTION 14. Section 4 of said chapter 21I, as so appearing, is hereby amended by striking out the introductory paragraph and inserting in place thereof the following introductory paragraph:-

There shall be an administrative council on toxics use reduction. The council shall be composed of the secretary of environmental affairs or his designee; the commissioner of environmental protection or his designee; the secretary of economic development or his designee; the commissioner of public health or his designee; the director of labor and work-

force development or his designee; and the secretary of public safety or his designee. The members of the council shall serve without additional compensation. The secretary of environmental affairs shall be the chairperson of the council and direct and coordinate the activities of the council. The council shall be considered a government body for the purposes of, and shall be subject to, section 11A½ of chapter 30A. The council shall have its own staff. In addition to any other requirements of this chapter, the council's duties shall include the following.

SECTION 15. Said Section 4 of said chapter 21I, as so appearing, is hereby further amended by inserting after the word "Fund", in line 40, the following words:- a summary of its deliberations and actions regarding its designation of substances as higher hazard substances or lower hazard substances.

SECTION 16. Said section 4 of said chapter 21I, as so appearing, is hereby further amended by striking out, in lines 47 and 48, the words "and may provide an equal opportunity for such comment by the advisory board."

SECTION 17. Said section 4 of said chapter 21I, as so appearing, is hereby further amended by striking out subsection (F) and inserting in place thereof the following 2 subsections:-

(F) The chairperson of the council shall appoint an advisory committee to the council including, but not limited to, the attorney general, or his designee; 2 persons representing statewide environmental organizations; 2 persons representing organized labor; 4 persons representing businesses in the commonwealth, including 2 representatives of small businesses; 1 person certified as a toxics use reduction planner; 1 person representing a water authority; 2 persons representing a statewide health policy advocacy organizations and 2 members of the general public, 1 of whom shall be a citizen who has been active in a local toxics-related environmental organization.

(G) The council shall, whenever it considers it necessary or favorable, establish ad hoc committees. The chairperson of the council, subject to the approval of the majority of the council, shall appoint members of ad hoc committees. Membership of the ad hoc committees shall not be limited to members of the advisory board.

SECTION 18. Section 5 of said chapter 21I is hereby repealed.

SECTION 19. Section 6 of said chapter 21I, as appearing in the 2004 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

There shall be a Toxics Use Reduction Institute at the University of Massachusetts Lowell. The institute shall seek to reduce the use of toxic substances and the generation of toxic by-products in Massachusetts by promoting comprehensive environmental management practices, inherently safer products and materials, and the efficient use of resources. The institute shall support industry and community efforts to protect worker and public health and improve environmental quality through programs in research, education, and information dissemination. The institute may develop recognition programs to promote the toxics use

reduction achievements of Massachusetts industry and communities. The institute may establish fees, tuitions, or other financial charges for its programs. All monies appropriated to the institute, or received by the institute through additional grants, gifts, bequests, or contracts shall be administered through the University of Massachusetts Lowell.

SECTION 20. Subparagraph (A) of the second paragraph of said section 6 of said chapter 21I, as so appearing, is hereby amended by adding the following sentence:-

This shall include, but not be limited to, providing information about public health, environmental, and economic issues associated with toxics use and toxics use reduction.

SECTION 21. Said second paragraph of said section 6 of said chapter 21I, as so appearing, is hereby further amended by striking out subparagraph (H) and inserting in place thereof the following subparagraph:-

(H) Provide toxics use reduction training and assistance to citizens, community groups, non-profit organizations and institutions, workers, labor representatives, and state and local government boards and officials. The program shall assist these individuals and groups in understanding the public health and environmental impacts of toxics use, the methods and strategies for reducing toxics use, and the requirements of this chapter.

SECTION 22. Said section 6 of said chapter 21I, as so appearing, is hereby further amended by striking out in lines 92 to 101, inclusive, the words "No member shall serve for more than two consecutive terms. Each member must have appropriate academic or professional experience. The institute shall consult with the Science Advisory Board on issues including but not limited to, user segments, and additions and deletions to the list of chemicals, and may consult with the Science Advisory Board on other related matters. The members of the Science Advisory Board shall serve without compensation. Unless otherwise noted all programs of the institute described in this section shall be developed and operational by January 1, 1992." and inserting in place thereof the following words:-Each member shall have appropriate academic or professional experience. The institute shall consult with the board on issues including, but not limited to, additions and deletions to the toxic or hazardous substance list established in section 9 and the designation of substances as higher hazard substances and lower hazard substances. The members of the board shall serve without compensation, except that they may be reimbursed for out-of-pocket expenses incurred in the course of performing their duties as board members.

The institute shall advise the council as to which substances from the list of toxic or hazardous substances established pursuant to section 9 should be designated as higher hazard substances or lower hazard substances. The institute shall base its advice on the recommendations of the board, taking into consideration the policy implications of such recommendations.

SECTION 23. Said chapter 21I is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. There shall be the office of technical assistance and technology within the executive office of environmental affairs. The office shall have a director and appropriate staff to carry out its responsibilities and programs. These responsibilities and programs shall include, but not be limited to, the following:-

(A) The office shall provide technical assistance to persons to assist them in implementing effective toxics use reduction and other pollution prevention or resource conservation activities, and in complying with the requirements of this chapter and other applicable environmental and health and safety laws. The office shall prioritize the assistance for persons who have been referred to the office by the department, the office of the attorney general or other state agencies, first-time filers, and reporting toxics users. The office shall establish a process for acquiring information on the implementation of recommendations from persons that receive assistance reports from the office.

(B) The office shall utilize its expertise in source reduction and knowledge of industrial sectors to assist the department in implementing pollution prevention, resource conservation and toxics use reduction as the preferred means of achieving compliance with applicable laws and regulations.

(C) The office shall promote and disseminate information concerning toxics use reduction technologies, environmental management systems and other toxics use reduction, pollution prevention and resource conservation practices. In order to assist in this, the office shall compile technical documents, guidance and case studies that utilize the results of its technical assistance efforts as described in paragraph (A).

(D) The office shall promote research or pilot projects to develop and demonstrate innovative technologies for toxics use reduction, pollution prevention or resource conservation. The office shall negotiate with project partners to establish or maintain public rights to information about the development, to the extent appropriate and feasible.

(E) The office shall engage in an outreach program to small businesses that are toxics users required to report and plan pursuant to this chapter, and shall assist first-time filers with reporting requirements and trade secret submissions. The office may, with the assistance of the department and the institute, conduct training and workshop for toxics users to assist them in meeting their requirements under this chapter.

(F) The office may work with public health agents, POTW operators, local emergency planning committees, and other officials to assist them with reducing the potential risk of substances hazards posed from filers or from manufacturing facilities located within their jurisdictions. The office may prioritize referrals from local authorities, train local inspectors to increase their awareness and understanding of toxics use reduction and resource conservation and pursue other collaboration as appropriate.

(G) The office may develop a business and community recognition program to promote the toxics use reduction achievements of Massachusetts industry.

(H) Any information or record, in document or electronic format, received by the office in the course of providing technical assistance to a toxics user shall be kept confidential and not considered to be a public record pursuant to section 10 of chapter 66,

unless: (i) the toxics user agrees in writing that such information may be made available to the department; or (ii) the office determines at its discretion, the information pertains to an imminent threat to public health or safety, or to the environment; or (iii) disclosure to the department is required by law.

(I) The office may, to the extent that it furthers the commonwealth's interest in disseminating information about toxics use reduction, pollution prevention, or resource conservation, make general or generic information available to the public, even if it is derived from 1 toxics user, when it is determined by the office that the information or records are not related to secret processes, methods of manufacture, or production, or that the information or record would not divulge a trade secret.

(J) The office may establish fees, tuition, or other financial charges for its programs, in accordance with section 4B of chapter 7 and may receive additional funds from grants, gifts, bequests or other contributions or through contracts, which shall be deposited in the funds created in section 2J of chapter 29 for use by the office without further appropriation. The office shall not charge a fee for any on-site technical assistance activity or service provided to the business community.

SECTION 24. Section 9 of said chapter 21I, as so appearing, is hereby amended by striking out subparagraphs (B) and (C) and inserting in place thereof the following 3 subparagraphs:-

(B) The substances identified on the list pursuant to sections 101(14) and 102 of CERCLA shall be included in the toxic or hazardous substance list until August 1, 2008. On or before August 1, 2007, the institute and the board shall make recommendations to the council as to what substances listed pursuant to said sections 101(14) and 102 of CERCLA shall be retained on the toxic or hazardous substance list. On or before August 1, 2008, the council shall take action on the recommendations of the institute and the board to retain or delete substances listed pursuant to said sections 101(14) and 102 of CERCLA from the toxic or hazardous substance list. Thereafter, the council may add or delete substances from the toxic or hazardous substance list consistent with changes in the lists of substances established pursuant to said sections 101(14) and 102 of said CERCLA.

(C) Notwithstanding subparagraphs (A) and (B), the council may add or delete additional substances from the toxic or hazardous substance list. Except for those substances covered under subsection (B), no more than 10 substances may be added for any 1 calendar year, and no more than 10 substances may be deleted for any 1 calendar year. The institute and the board shall provide recommendations proposing additions or deletions. A proposed change in the toxic or hazardous substance list shall not take effect until the calendar year immediately following the year in which the council makes the change. Substances added or deleted by the council shall not be affected by subparagraphs (A) and (B). The designation of higher and lower hazard substances pursuant to subparagraph (D) shall not be affected by this subparagraph.

(D) The council shall designate substances as a higher hazard substance, a lower hazard substance or may leave any substance as an otherwise uncategorized toxic or hazardous substance in consultation with the institute and the board. The council shall first consider designating as a higher hazard substance those substances designated as Category 1/more hazardous by the board. The council may add or delete additional substances from the higher hazard substance or lower hazard substance designations. In any 1 calendar year, no more than 10 toxic or hazardous substances shall be designated as a higher hazard substance, nor shall more than 10 toxic or hazardous substances be designated as a lower hazard substance, except that, on the effective date of this subparagraph, those substances identified as Persistent, Bioaccumulative and Toxic chemical substances, the "PBT List", at 64 Fed. Reg. 60194 – 60204 (1999), policy statement on category for Persistent, Bioaccumulative, and Toxic New Chemical Substances, dated November 4, 1999, shall be designated as higher hazard substances. The designation shall be solely for the purposes of this chapter and shall not otherwise diminish the authority of the council or the department. The designation as a higher hazard substance or lower hazard substance beyond those specified in this section shall not take effect until the calendar year immediately following the year in which the council makes the change.

SECTION 25. Said chapter 21I is hereby further amended by inserting after section 9 the following section:-

Section 9A. Threshold amounts for toxic or hazardous substances for purposes of this chapter shall be initially established as the following:

(A) For toxics users that manufacture or process a toxic or hazardous substance, as the terms "manufacture" or "process" are defined herein, the threshold amount for a toxic or hazardous substance shall be 25,000 pounds each year at any 1 facility, except the threshold will be 1,000 pounds each year at any 1 facility for a higher hazard substance; and

(B) For toxics users that otherwise use a toxic or hazardous substance, the threshold amount for a toxic or hazardous substance shall be 10,000 pounds each year at any 1 facility, except the threshold will be 1,000 pounds each year at any 1 facility for a higher hazard substance.

(C) If the administrator of the United States Environmental Protection Agency sets a threshold quantity for facility reporting on a toxic or hazardous substance under section 313 of EPCRA which is lower than a corresponding threshold amount specified in subparagraphs (A) or (B), the corresponding threshold for that substance under this chapter shall be the same as the federal threshold.

(D) Upon recommendation of the institute and the board, the council shall have the authority to lower the facility-reporting threshold on a higher hazard substance below that which is specified in subparagraphs (A) and (B).

SECTION 26. Section 10 of said chapter 21I, as appearing in the 2004 Official Edition, is hereby amended by striking out the second sentence.

SECTION 27. Said section 10 of said chapter 21I, as so appearing, is hereby further

amended by striking out, in lines 47 and 48, the words "or (iii) greater than ten thousand pounds" and inserting in place thereof the following words:- (iii) greater than 10,000 pounds but less than or equal to 100,000 pounds; (iv) greater than 100,000 pounds but less than or equal to 500,000 pounds; or (v) greater than 500,000 pounds.

SECTION 28. Paragraph (1) of subsection (C) of said section 10 of said chapter 21I, as so appearing, is hereby amended by striking out clauses (c)(d)(e) and (f) and inserting in place thereof the following clause:-

(c) A quantitative or qualitative indication of significant change in toxics use and byproduct generation, compared with the previous reporting year, including toxics use reduction techniques employed.

SECTION 29. Said section 10 of said chapter 21I, as so appearing, is hereby further amended by striking out subsection (F).

SECTION 30. Said section 10 of said chapter 21I, as so appearing, is hereby further amended by striking out in lines 120 and 121 the words "magnetic media" and inserting in place thereof the following words:- electronic submittal.

SECTION 31. Paragraph (1) of subsection (A) of section 11 of said chapter 21I, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Large quantity toxics users shall by July 1, 1994 or by July 1 of the first subsequent even-numbered year in which a report pursuant to section 10 is required, prepare and complete a toxics use reduction plan for each facility for which they are required to file a report in that year.

SECTION 32. Said subsection (A) of said section 11 of said chapter 21I, as so appearing, is hereby further amended by striking out paragraph (2) and inserting in place thereof the following paragraph:-

(2) The plan shall include a statement of facility-wide management policy regarding toxics use reduction, and a description of the scope and objectives of the plan.

SECTION 33. Paragraph (3) of said subsection (A) of said section 11 of said chapter 21I, as so appearing, is hereby amended by striking out clause (d).

SECTION 34. Said paragraph (3) of said subsection (A) of said section 11 of said chapter 21I, as so appearing, is hereby further amended by striking out clause (g).

SECTION 35. Said section 11 of said chapter 21I, as so appearing, is hereby further amended by striking out subsection (D) and inserting in place thereof the following subsection:-

(D) Large quantity toxics users shall update and recertify plans by July 1, two years after the first plan, and then according to the schedule specified by the department; but, after a large quantity toxics user has completed 1 toxics use reduction plan in compliance with this section and 2 plan updates, it may complete any 1 of the following types of plans in subsequent years: (i) a toxics use reduction plan update; (ii) an alternative resource conservation plan in accordance with requirements established by the department, or (iii) the implementation of an environmental management system that meets the requirements for an

by the fees, the impact fees will have on toxics users and their use of toxic substance, and the funding required for the program to meet its statutory obligations. Any new fee structure shall maintain the base fees, additional amount per chemical reported, and maximum fees structure described in paragraphs (C) and (D). The council shall file this recommendation with the executive office of administration and finance and the house and senate ways and means committees 90 days before promulgating regulations to implement the new toxics use fee structure.

SECTION 41. Said section 19 of said chapter 21I, as so appearing, is hereby further amended by striking out subsections (F) and (G) and inserting in place thereof the following 2 subsections:

(F) The department shall impose an additional administrative fee of $1,000 for failure to file a complete and accurate report by July 1 of the applicable year, or to pay any fee pursuant to this section in a timely manner. Late payment fees shall apply if a toxics use report is filed more than 30 days after July 1 of the applicable year or if payment of the fee is not made within 30 days of the date payment is due.

(G) Any toxics user who employs the equivalent of fewer than 100 full-time individuals may in instances of severe financial hardship, apply on or before July 1 of any year to the commissioner of the department. The commissioner may, for good cause shown, waive the fee for that year in whole or in part, or extend the time for paying any part of the fee. The commissioner shall annually report to the council the waivers granted.

SECTION 42. On or before August 1, 2008 the office of technical assistance and technology established by section 7 of chapter 21I of the General Laws, shall produce a report for the council on toxics use reduction that identifies barriers to business implementation of toxics use reduction, pollution prevention, and resource conservation. The office of toxics use reduction assistance and technology may consult with the department of business and technology, the department and the Toxics Use Reduction Institute at the University of Massachusetts Lowell and shall make recommendations to the council on toxics use reduction on appropriate actions required to resolve barriers. The office shall annually update the report.

Approved July 28, 2006.

Chapter 189. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITY OF BOSTON AND THE TOWN OF DEDHAM AS THE HONORABLE ROBERT L. CAWLEY MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge on state highway route 109 spanning the Charles river in the city of Boston and the town of Dedham shall be designated and known as The Honorable Robert L. Cawley Memorial Bridge, in memory of Robert L. Cawley who served in the Massachusetts house of representatives and the Massachusetts senate. The department of highways shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department.

Approved July 28, 2006.

Chapter 190. AN ACT RELATIVE TO MERCURY MANAGEMENT.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 21H of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the definition of "Assessment" the following 2 definitions:-

"Automobile manufacturer", any person, firm, association, partnership, corporation, governmental entity, organization, combination or joint venture which is last in the production or assembly process of a new vehicle that uses mercury-added components, or in the case of an imported vehicle, the importer or domestic distributor of the vehicle; however, if a company from whom an importer or domestic distributor purchases the merchandise has a U.S. presence or assets, that company shall be considered to be the manufacturer and the distributor as defined in chapter 93B shall not be considered to be the manufacturer.

"Capture rate", the annual removal, collection, and recovery of mercury-added vehicle switches as a percentage of that total number of mercury-added vehicle switches available for the removal from end-of-life motor vehicles as determined by the department. This term shall not include mercury-added vehicle switches that are inaccessible due to significant damage to the motor vehicle in the area where the mercury-added vehicle switch is located.

SECTION 2. Said section 2 of said chapter 21H, as so appearing, is hereby further amended by inserting after the definition of "Drinking water supply" the following 2 definitions:-

"Electric lamp", the bulb or tube portion of a lighting device specifically designed to produce radiant energy, most often in the ultraviolet, visible and infrared regions of the electromagnetic spectrum. Examples of common electric lamps include, but are not limited to, incandescent, fluorescent, high intensity discharge and neon lamps.

"End-of-life motor vehicles", any motor vehicle which is sold, given or otherwise conveyed to a vehicle recycler or scrap recycling facility for the purpose of dismantling, recycling or disposal.

SECTION 3. Said section 2 of said chapter 21H, as so appearing, is hereby further amended by inserting after the definition of "Facility" the following 2 definitions:-

"Healthcare facility", any hospital, nursing home, extended care facility, long-term care facility, clinical or medical laboratory, state health or mental institution, institution for the mentally ill or retarded, clinic, physician's office or health maintenance organization.

"IMERC", the Interstate Mercury Education and Reduction Clearinghouse.

SECTION 4. Said section 2 of said chapter 21H, as so appearing, is hereby further amended by inserting after the definition of "Landfill" the following 10 definitions:-

"Manufacturer", any person, firm, association, partnership, corporation, governmental entity, organization, combination or joint venture which produces a product containing mercury or an importer or domestic distributor of a product containing mercury produced in a foreign country. In the case of a mercury-added multi-component product where the only mercury is contained in a mercury-added component manufactured by a different manufacturer which is intended to be readily removable and replaceable by the consumer or user, the manufacturer is the manufacturer who produced the mercury-added component. If the product or component is produced in a foreign country, the manufacturer is the importer or domestic distributor; provided, however, that if a company from whom an importer purchases the merchandise has a United States presence or assets, that company shall be considered to be the manufacturer. This definition shall not apply to a "distributor" as defined in section 1 of chapter 93B.

"Mercury relay", a mercury-added product that opens or closes electrical contacts to affect the operation of other devices in the same or another electrical circuit.

"Mercury switch", a mercury-added product that opens or closes an electrical circuit or gas valve.

"Mercury-added component", a component that contains mercury.

"Mercury-added formulated product", a chemical product to which mercury has been added, intentionally or unintentionally, including, but not limited to, laboratory chemicals, cleaning products, cosmetics, pharmaceuticals and coating materials that are sold as consistent mixtures of chemicals.

"Mercury-added lamp", an electric lamp to which the manufacturer intentionally introduces mercury for the operation of the lamp, including, but not limited to, fluorescent, compact fluorescent, black lights, high intensity discharge lamps, ultraviolet lamps and neon lamps.

"Mercury-added product", a product to which the manufacturer intentionally introduces mercury, including, but not limited to, electric lamps, thermostats, automotive devices, electric switches, medical or scientific instruments, electric relays or other electrical devices, but not including products made with coal ash or other products that are incorporated into equipment used to manufacture semiconductor devices, elemental mercury

in pre-capsulated form that is sold, distributed or provided to a dental practitioner for use in compliance with the department's regulations concerning amalgam wastewater and recycling for dental facilities, or mercury-added formulated products.

"Mercury-added vehicle switch", a switch installed in a motor vehicle containing mercury, including, but not limited to, light switches and antilock braking systems.

"Mercury-added thermostat", a product or device that uses a mercury switch to sense and control room temperature through communication with heating, ventilation or air conditioning equipment, including thermostats used to sense and control room temperature in residential, commercial, industrial and other buildings, but shall not include a thermostat used to sense and control temperature as part of a manufacturing process.

"Motor vehicle", a vehicle propelled by an internal combustion engine or an electric motor, such as an automobile, van, truck, motorized construction equipment, motorized recreational vehicle, motorcycle or forklift.

SECTION 5. Said section 2 of said chapter 21H, as so appearing, is hereby further amended by inserting after the definition of "Public body" the following definition:-

"Scrap recycling facility", a facility, location, device or unit where machinery and equipment are used for processing and manufacturing scrap metal into prepared grades and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap for sale for remelting purposes.

SECTION 6. Said section 2 of said chapter 21H, as so appearing, is hereby further amended by inserting after the definition of "Tipping fee" the following 2 definitions:-

"Vehicle in commerce", any vehicle offered for sale by a dealer, or registered in the commonwealth or in the United States to be operated on public roads and highways.

"Vehicle recycler", any individual or entity engaged in the business of acquiring, dismantling or destroying 6 or more vehicles in a calendar year for the primary purpose of reselling their parts.

SECTION 7. Said chapter 21H is hereby further amended by inserting after section 6 the following 14 sections:-

Section 6A. The department shall participate in the implementation of IMERC standards established at the Northeast Waste Management Officials Association to assist in carrying out the requirements of sections 6A to 6M, inclusive, and to help coordinate reviews of the manufacturers' applications for phase out exemptions and collection system plans.

Section 6B. (a) No mercury-added product shall be offered for final sale or use or distributed in the commonwealth without notification in writing by the manufacturer of the product to the department through IMERC within 30 days of the product's release in accordance with this section.

(b) Notification that complies with the notification forms of IMERC shall satisfy the requirements of this section. The department may require that it be notified directly in addition to reporting through IMERC. The manufacturer or trade group shall update and revise the notification information whenever there are significant changes in the product category.

(c) Any mercury-added product for which federal law governs notice in a manner that preempts state authority shall be exempt from this section.

(d) Public disclosure of confidential business information submitted to the department pursuant to this section shall be governed by the requirements of section 10 of chapter 66. The department and IMERC may compile or publish analyses or summaries of such information provided that the analyses or summaries do not identify any manufacturer's confidential information.

(e) The department shall protect trade secrets.

Section 6C. (a) No person shall sell or offer to sell or distribute a motor vehicle manufactured on or after January 1, 2007, containing 1 or more mercury-added vehicle switches.

(b) No person shall sell or offer to sell or distribute a mercury-added vehicle switch for new installation in a motor vehicle.

(c) If a mercury-added vehicle switch in a motor vehicle in commerce requires replacement, it shall be replaced with a non-mercury alternative. If a non-mercury alternative is not commercially available, replacement with a non-mercury alternative shall not be required. If the mercury-added vehicle switch requiring replacement is a component of an anti-lock braking system or an airbag, replacement with a non-mercury alternative shall not be required.

(d) No person shall crush, cause to be crushed or otherwise arrange for an end-of-life motor vehicle to be crushed without first having removed any mercury-added components, including, but not limited to, mercury-added vehicle switches. A scrap recycling facility may agree to accept an end-of-life motor vehicle that has not been flattened, crushed or baled containing mercury-added components. If accepted, the scrap recycling facility is responsible for proper removal, recycling, transporting, storage and general containment of all mercury-added components in accordance with chapter 21C and the department's regulations concerning hazardous waste.

(e) Any person or facility removing a mercury-added component from a vehicle in commerce or from an end-of-life vehicle shall manage the mercury-added component in accordance with chapter 21C and the department's regulations concerning hazardous waste.

(f) No later than August 1, 2007, every automobile manufacturer shall, individually or as a group, develop and file with the department and implement a plan that describes the proper removal, recycling, transportation, storage and general containment of mercury-added switches from end-of-life vehicles in accordance with chapter 21C and the department's regulations concerning hazardous waste.

(g) The plan shall include, at a minimum:-

(1) a method of collecting mercury-added vehicle switches after removal from motor vehicles;

(2) provisions for identifying or establishing and using facilities where mercury-added vehicle switches may be received and accepted from vehicle recyclers, scrap recyclers and all other persons removing mercury-added vehicle switches from vehicles;

(3) provisions for transporting mercury-added vehicle switches collected pursuant to clause (1) of subsection (g) to facilities pursuant to clause (2) of said subsection (g);

(4) a program to provide information, training and technical assistance to vehicle recyclers, scrap recyclers and all other persons removing mercury-added vehicle switches from motor vehicles;

(5) a program which is designed to achieve a mercury-added vehicle switch capture rate of at least 90 per cent, consistent with the principle that mercury-added vehicle switches shall be recovered unless the mercury-added vehicle switch is inaccessible due to significant damage to the motor vehicle in the area surrounding where the mercury-added vehicle switch is located;

(6) a financing system for the total cost of removal, collection, record keeping and recovery of mercury-added vehicle switches that shall be borne by the automobile manufacturers and that shall include, but not be limited to, $3 for every mercury-added vehicle switch removed by a vehicle recycler or scrap recycling facility as partial compensation for labor and other costs incurred by a vehicle recycler or scrap recycling facility in the removal of the mercury-added vehicle switch.

(h) In developing a removal, collection, record keeping and recovery system, automobile manufacturers shall, to the extent practicable, use the existing end-of-life vehicle recycling infrastructure. If an automobile manufacturer does not use such infrastructure, the automobile manufacturer shall include in its plan reasons for establishing a separate removal, collection and recovery system.

(i) After the plan is filed with the department, each automobile manufacturer shall certify to the department, in writing on an annual basis, that it is implementing the plan in accordance with this section.

(j) The department shall evaluate the compliance of all persons subject to this section by conducting audits, inspections or implementing other compliance measures it considers appropriate.

(k) Automobile manufacturers shall report annually to the department and joint committee on environment, natural resources and agriculture. The report shall, at a minimum, include the following:

(1) The number of mercury-added vehicle switches removed during the previous year; and

(2) Where and how the mercury-added vehicle switches are stored, recycled or otherwise disposed of.

(l) Not later than January 1, 2007, automobile manufacturers and vehicle recyclers shall provide the department with the number of end-of-life vehicles with mercury-added vehicle switches in the commonwealth in calendar year 2005 and the projected numbers for end-of-life vehicles in the commonwealth for each calendar year thereafter until 2030.

(m) Automobile manufacturers who have never installed mercury-added vehicle switches in their motor vehicles shall be exempt from this section.

(n)(1) An automobile manufacturer may create an alternative plan, organized, managed and financed by the automobile manufacturer, that will be exempt from clauses (5) and (6) of subsection (g) if:-

(i) the automobile manufacturer submits a plan, in writing to the department that describes the proper removal, recycling, transportation, storage and general containment of mercury-added switches from end-of-life vehicles in accordance with chapter 21C and the department's regulations concerning hazardous waste, that meets the requirements of clauses(1) to (4), inclusive, of subsection (g);

(ii) the alternate plan is implemented no later than January 1, 2007;

(iii) the automobile manufacturer demonstrates that the plan's capture rate is equal to or greater than 50 per cent by December 31, 2007, as determined by the department; and

(iv) the automobile manufacturer demonstrates that the plan's capture rate is equal to or greater than 90 per cent by December 31, 2008, as determined by the department.

(2) Nothing in this section shall prohibit an automobile manufacturer from substituting a new plan in accordance with, and subject to the requirements of, subsection (o).

(3) If no alternative plan is in effect by January 1, 2007, pursuant to this section, the automobile manufacturer shall comply with subsection (g).

(4) If the department determines that an automobile manufacturer is not in compliance with this subsection, the automobile manufacturer shall comply with subsection (g) within 30 days of the determination by the department.

(o) If an automobile manufacturer's plan under subsection (g) has been in effect for at least 1 year, the automobile manufacturer may submit an alternate plan to the department for approval. The alternate plan shall meet the following criteria:

(1) The alternate plan has been in effect for at least 1 year in another state and can be implemented statewide;

(2) The alternate plan has achieved at least a 90 per cent capture rate in that state; and

(3) The alternate plan, to the extent practicable, uses the existing end-of-life vehicle recycling infrastructure in the commonwealth.

(p) When considering whether to approve an alternate plan pursuant to subsections (n) and (o), the department shall take into consideration the environmental impact in the commonwealth and the economic impact on Massachusetts businesses.

(q) Approval of the alternate plan pursuant to subsections (n) and (o) by the department shall release the automobile manufacturer from its obligations under its original plan, starting on the effective date of the alternate plan.

(r) An alternate plan may include an agreement between automobile manufacturers and automobile dealers to remove switches before the vehicle reaches its end-of-life.

(s) Vehicle recyclers shall, before delivering or selling automobile bodies to scrap recycling facilities, certify in writing, in a form approved by the department, that all mercury-added vehicle switches have been removed.

Section 6D. (a) No person shall sell or offer to sell or distribute a mercury-added thermostat in the commonwealth.

(b) No person shall sell or offer to sell or distribute in the commonwealth the following mercury-added products:

(1) barometers;

(2) esophageal dilators, bourgie tubes or gastrointestinal tubes;

(3) flow meters;

(4) hydrometers;

(5) hygrometers or psychrometers;

(6) manometers;

(7) pyrometers;

(8) sphygmomanometers; or

(9) basal thermometers.

(c) Subsections (a) and (b) shall not apply: (i) to the sale of mercury-added products if the use of the product is a federal requirement; or (ii) to thermometers if they are determined to be medically necessary by a licensed physician or are ordered by prescription.

Section 6E. (a) No person shall sell or offer to sell or distribute a mercury switch or mercury relay, individually or as a product component. This prohibition shall not apply if the mercury switch or mercury relay is a component in a larger product in use before May 1, 2009, there is no mercury-free alternative available for the component and 1 of the following applies:

(1) the larger product is used in manufacturing; or

(2) the switch or relay is integrated and not physically separate from other components of the larger product.

(b) This section shall not apply to the sale of a mercury switch or a mercury relay if the use of the switch or relay is a federal requirement.

(c) This section shall not apply to the sale of a mercury switch or a mercury relay which is integrated as a component of a larger product that has been refurbished for resale and which was originally manufactured before the effective date of this act.

Section 6F. (a) The department, at its discretion and in consultation with the executive office of economic development and the department of public health, may allow for exemptions to the prohibitions in sections 6D and 6E.

(b) Applications for exemptions shall demonstrate that:

(1) the use of the product is beneficial to the environment or protective of the public health or public safety;

(2) there is no technically feasible alternative to the use of mercury in the product;

(3) there is no comparable non-mercury-added product available at reasonable cost; and

(4) an effective system exists for the collection, transportation and processing of the mercury-added product. Such a system may include direct return of a waste product to the manufacturer, an industry or trade group-supported collection and recycling system or other

similar private and public section efforts.

(c) The department shall establish application fees and a timeline for reviewing applications for exemptions that does not exceed 90 days.

(d) Before issuing an exemption, the department shall consult with neighboring states and regional organizations to promote consistency. The department shall avoid, to the extent feasible, inconsistencies in the implementation of this section.

(e) An exemption shall be valid for not more than 3 years and may be extended upon request of the applicant, at the discretion of the department.

Section 6G. No school in the commonwealth shall purchase for use in a primary or secondary classroom elemental mercury, mercury compounds or mercury-added instructional equipment and materials, except measuring devices and thermometers for which no adequate nonmercury substitute exists that are used in school laboratories. This section shall not apply to the sale of mercury-added lamps or those products whose only mercury-added component is a mercury-added lamp or lamps.

Section 6H. Every manufacturer of a mercury-added formulated product shall, upon a written request from a health care facility, disclose in writing the mercury content of any product used in its facility that contains more than 1 part per billion of mercury. The manufacturer shall also disclose to the health care facility information needed to determine the mercury content of a component manufactured by another manufacturer which is part of the final product. This disclosure shall further provide the method used in developing the analysis performed for total mercury content. These products shall include, but are not limited to: acids, alkalis, bleach, materials used for cleaning or maintenance or disinfection, stains, reagents, preservatives, fixatives, buffers and dyes.

Section 6I. (a) No person, household, business, school, healthcare facility or state or municipal government shall knowingly dispose of a mercury-added product in any manner other than by recycling, disposing as hazardous waste or using a method approved by the department.

(b) The department shall implement an education program. This program shall include, but not be limited to, working with municipalities and waste haulers to educate the citizens of the commonwealth about mercury-added products and their proper disposal, including creating signs to post at transfer stations, landfills, recycling centers and municipal buildings.

(c) Mercury from mercury-added products shall not knowingly be discharged into water, wastewater treatment or wastewater disposal systems unless it is done in compliance with applicable local, state and federal requirements.

(d) No person shall knowingly send a multi-component product that contains mercury to a scrap recycling facility for recycling without first removing the mercury-added product or products. Notwithstanding the forgoing, a scrap recycling facility may agree to accept a multi-component product that has not been intentionally flattened, crushed or baled knowing it contains mercury-added product or products. If accepted, the scrap recycling facility shall

be responsible for removing such product or products and recycling them or disposing of them as hazardous waste.

(e) Mercury-added formulated products that are cosmetic or pharmaceutical products subject to the regulatory requirements of the Federal Food and Drug Administration relating to mercury are exempt from this section.

Section 6J. (a) No person shall sell or offer to sell or distribute a mercury-added product in the commonwealth unless the manufacturer has created and filed with the department a convenient and accessible collection plan for mercury-added products at the end-of-life, including a system for the direct return of the mercury-added product to the manufacturer or a collection and recycling plan, in accordance with chapter 21C and the department's regulations concerning hazardous waste, using new or existing collection systems. The plan shall be approved or certified, as determined by the department, and shall be implemented by the manufacturers.

(b) Where a mercury-added component is part of another product, the collection system must provide for collection of the mercury-added component or collection of both the mercury-added component and the product containing it.

(c) Every manufacturer of mercury-added products sold or distributed in the commonwealth shall be financially responsible for such collection and recycling systems.

(d)(1) Manufacturers of mercury-added lamps shall satisfy the requirements of this section if, individually or as a group, they develop an education plan for consumers and municipalities for the proper use and disposal of mercury-added lamps. The plan shall include, but not be limited to:

(i) Information regarding the economic and environmental benefits of mercury-added lamps;

(ii) Information regarding the harms mercury can cause to the environment and to human health;

(iii) Information regarding proper disposal and recycling methods for mercury-added lamps; and

(iv) Information, provided to consumers through the use of a toll-free telephone number, internet web sites, information labeled on the device, information included in the packaging or information accompanying the sale of mercury-added lamps, describing where and how to return, recycle or dispose of mercury-added lamps. Information provided to consumers shall include the meaning of the chemical symbol "Hg" and other symbols and non-English terms.

(2) Every manufacturer, either individually or as a group, shall annually certify in writing that they are implementing the plan in accordance with this section and provide to the department the total number of mercury-added lamps sold in the commonwealth in that calendar year. The statewide mercury-added lamp recycling rates shall be 30 per cent by December 31, 2008, 40 per cent by December 31, 2009, 50 per cent by December 31, 2010, 70 per cent by December 31, 2011, and 70 per cent each year thereafter. The department shall adopt regulations to implement these rates. For the purposes of this section, the state-

wide mercury added-lamp recycling rate shall be based upon the total number of mercury added-lamps in the commonwealth available for recycling, as determined by the department. Every manufacturer, either individually or as a group, shall annually submit a report that identifies progress toward these recycling rates. The department shall conduct audits, at least annually, to determine if manufacturers are complying with this section.

(e) Failure to achieve any of the recycling rates established by or pursuant to paragraph (2) of subsection (d) shall obligate the manufacturers of mercury-added lamps as a group to make available not more than $1,000,000, per year of non-compliance, to the department for grants to municipalities or regional authorities to facilitate meeting recycling rates. The department shall establish, by December 31, 2007, a process for determining the mercury-added lamp recycling rate and the aggregate and individual funding commitments based on information that includes, but is not limited to, the actual recycling rate compared with the target recycling rate, each manufacturer's lamp market share in the commonwealth and specific manufacturer program effectiveness. The department shall deposit the funds received from manufacturers into an expendable trust, in accordance with section 6 of chapter 6A and any applicable regulations, for the purpose of grants to municipalities and regional authorities and shall administer the grant program to municipalities and regional authorities. Manufacturers' individual contributions shall not exceed their respective market shares of lamps sold in the commonwealth.

(f) Nothing in this section shall prohibit retailers, distributors, wholesalers or any other group from creating and implementing a collection plan for mercury-added lamps or any other mercury-added product.

(g) This section shall not apply to mercury-added button cell batteries, motor vehicles or motor vehicle components.

(h) Mercury-added formulated products intended to be totally consumed in use, such as reagents, cosmetics, pharmaceuticals and other laboratory chemicals, shall be exempt from this section.

(i) This section shall not apply to refurbished medical equipment or products where the only mercury contained in the product comes from a removable mercury-added button cell battery or a mercury-added lamp.

Section 6K. (a) No person shall sell a mercury-added product unless the product is labeled by the manufacturer pursuant to this section. The label, constructed of materials that are sufficiently durable to remain legible for the useful life of the product, shall clearly inform the purchaser that mercury is present in the product and that the product shall be reused, recycled or properly disposed of as hazardous waste. Manufacturers of products that contain an irremovable mercury-containing lamp used for backlighting shall meet the product labeling requirements of this section by placing the label on the product or its care and use manual.

(b) Mercury product labeling plans approved by another state that is a member of IMERC shall be considered to be in compliance with this section if they are effectively implemented in the commonwealth. The manufacturer shall provide a copy of the labeling

plan to the department upon request and shall notify the department if the approval is modified.

(c) A person who sells mercury-added lamps to the owner or manager of an industrial, commercial or office building or to any person who replaces or removes from service outdoor lamps that contain mercury shall clearly inform the purchaser, in writing on the invoice for the lamps or in a separate document, that the lamps contain mercury, that mercury is a hazardous substance that is regulated by federal and state law and that the lamps may not be placed in solid waste destined for disposal. Retail establishments that incidentally sell mercury-added lamps to the specified purchasers are exempt from this subsection.

(d) This section shall not apply to refurbished medical equipment.

(e) This section shall not apply to the labeling of those products whose only mercury component is a removable mercury-added lamp or button cell battery.

Section 6L. A solid waste collector shall refuse to collect the contents of a solid waste container that the collector knows or reasonable should know contains 1 or more mercury-added products unless such solid waste is collected for the purpose of being reused, recycled or properly disposed of as hazardous waste or otherwise managed to ensure that the mercury does not become mixed with other solid waste or wastewater.

Section 6M. The state procurement officer, the state university system and state agencies shall give preference to the purchase of equipment, supplies and other products that do not contain mercury unless there is no economically feasible non-mercury alternative that performs a similar function or unless the non-mercury product is sufficiently less energy efficient so as to result in a greater overall environmental impact. In circumstances where a non-mercury-added product is not available, preference shall be given to the purchase of products which have the least overall environmental impact in their development, manufacturing and use. This section shall not apply to the purchase of vaccines by the department of public health, its affiliates and facilities or to the purchase of refurbished medical equipment in which a mercury switch or relay is a fully integrated component.

Section 6N. The department shall adopt rules and regulations as may be necessary for the implementation of this chapter.

SECTION 8. On or before May 1, 2010, the department of environmental protection shall submit a report to the committee on the environment, natural resources and agriculture describing the effectiveness of sections 6A to 6M, inclusive, of chapter 21H of the General Laws in meeting the goals of this act. Such report shall include recommendations on mercury-added products that are not addressed in sections 6C to 6E, inclusive, including, but not limited to coal combustion products, as well as progress made, and recommendations to address unregulated sectors.

SECTION 9. Sections 6B, 6G and 6H of chapter 21H of the General Laws shall take effect on October 1, 2006.

SECTION 10. Section 6E of chapter 21H of the General Laws shall take effect on May 1, 2009.

SECTION 11. Section 6D, subsections (a) and (b) of section 6I, and subsection (a) of section 6K of chapter 21H of the General Laws shall take effect on May 1, 2008.

SECTION 12. Subsection (a) of section 6J of chapter 21H of the General Laws shall take effect on May 1, 2007.

SECTION 13. On or before May 1, 2007, the department of environmental protection shall create an education program for persons, households, businesses, schools, healthcare facilities and state and municipal governments regarding the disposal of mercury and seek public comment on the program.

SECTION 14. The department of environmental protection shall require manufacturers of products that do not have labeling plans approved by another IMERC state to develop, submit and implement, by May 1, 2008, labeling plans that meet the criteria specified by the department. The department shall strive for consistency with labeling regulations and programs in other states and with IMERC standards.

SECTION 15. Subsections (d) and (e) of section 6J of chapter 21H of the General Laws shall take effect on January 1, 2007.

SECTION 16. On January 1, 2012, and every 5 years thereafter, the department of environmental protection shall report to the house and senate committees on ways and means on the sufficiency of the grant money provided by manufacturers of mercury-added lamps pursuant to subsection (e) of section 6J of chapter 21H of the General Laws for offsetting the costs of recycling mercury-added lamps.

Approved July 28, 2006.

Chapter 191. AN ACT RELATIVE TO THE DISPOSAL OF DREDGED MATERIAL IN BUZZARDS BAY.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the disposal, deposit, or redeposit of dredged materials shall be prohibited in any portion of Buzzards Bay, which is designated as an area of special interest by section 50B of chapter 21 of the General Laws. The deposit or redeposit of dredged materials shall only be allowed in Buzzards Bay if for use in a beneficial reuse project. A beneficial reuse project may include beach nourishment, salt marsh restoration, dune restoration or use as capping material for underwater contamination.

Approved July 28, 2006.

Chapter 192. AN ACT MAKING APPROPRIATIONS FOR FISCAL YEAR 2006 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to make appropriations for the fiscal year beginning July 1, 2005, and to make certain changes in law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2006, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts and subject to laws regulating the disbursement of public funds.

Notwithstanding any general or special law to the contrary, appropriations made in this act shall not revert and shall be available for expenditure until June 30, 2007. The sums in said section 2 shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

JUDICIARY.

Committee for Public Counsel Services.

0321-1510 ..... $24,616,630
0321-1520 ..... $3,075,487

Middlesex District Attorney.

0340-0201 ..... $14,102

Eastern District Attorney.

0340-0301 ..... $17,322

Hampden District Attorney.

0340-0501 ..... $29,660

Berkshire District Attorney.

0340-1100 ..... $150,000
0340-1101 ..... $12,100

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Department of Veterans' Services.

1410-0010 ..... $25,000

Division of Human Resources.

1750-0111 ..... $80,000

Department of Mental Health.

5911-1000 ..... $1,500,000
5920-1000 ..... $1,182,400
5930-1000 ..... $700,800

EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT.

Department of Housing and Community Development.

7004-9005 ..... $10,748,698
7007-0900 ..... $200,000

EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.

Office of the Secretary.

8000-0010 ..... $40,000
8000-0040 ..... $2,140,112

Military Division.

8700-0001 ..... $675,000

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise, for the several purposes and subject to the conditions specified in this section, and subject to laws regulating the disbursement of public funds. Notwithstanding any general or special law to the contrary, appropriations made in this section shall not revert and shall be available for expenditure until June 30, 2007. The sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items.

JUDICIARY.

Committee for Public Counsel Services.

0321-1513 For additional costs of the public defender division pursuant to sections 5 and 7 of chapter 54 of the acts of 2005; provided, that no funds from this appropriation shall support existing costs associated with line item 0321-1500 ..... $4,560,649

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Reserves.

1599-1975 For a reserve for the Massachusetts Turnpike Authority to be used solely to restore and develop Parcels 6, 12 and 18 to be used exclusively by nonprofit entities and as identified in the Central Artery Tunnel Project Joint Development Protocol for Surface Parcels dated June 26, 2003 along the Rose Fitzgerald Kennedy Greenway in the City of Boston, provided however, that not less than $16 million of this amount shall be used solely for decking and the development of Parcel 6 ..... $31,000,000

1599-4080 For a reserve to meet the fiscal year 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Massachusetts Organization of State Engineers and Scientists, and to meet the fiscal year 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so-called, which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2007 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $2,504,177

1599-4131 For a reserve for the payment of a portion of the salary adjustments and other economic items provided for in various collective bargaining agreements negotiated between the board of trustees of the University of Massachusetts and: the Massachusetts Society of Professors/Faculty Staff Union/ MTA/NEA; the Professional Staff Union, Local 509, Service Employees International Union, AFL-CIO/CLC; the University Staff Association/Massachusetts Teachers Association/NEA; the International Brotherhood of Police Officer,

Local 432, Units A and B; the International Brotherhood of Teamsters, Local 25 (two units); the University of Massachusetts and the International Brotherhood of Police Officers, Local 399; the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 507; the National Association of Government Employees, Local 245; the American Federation of Teachers, Local 1895, AFL-CIO, Faculty Federation; the American Federation of Teachers, Local 1895, AFL-CIO, Educational Services; International Association of Police Officers, Local 399; the Massachusetts Society of Professors/Lowell; the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 1776; the Graduate Employee Organization, Local 2322, UAW; the Service Employees' International Union, Local 509, Unit B; the Service Employees' International Union, Local 254, AFL-CIO, CLC, Clerical-Technical Unit; the Service Employees' International Union, Local 254, AFL-CIO, CLC, Professional/Mid-Management Unit; the National Association of Government Employees; the Graduate Employee Organization, Local 1596, UAW; the Graduate Employee Organization Boston, Local 1596, UAW; provided, that said payments shall fund the fiscal year 2002 payments associated with salary adjustments and other economic items provided for in the collective bargaining agreements; provided further, that, not later than ninety days from the effective date of this act employees covered by the terms of the collective bargaining agreements listed in this item shall be paid a lump sum amount equal to the difference between (a) the salary specified in the relevant agreement and (b) the salary each received, for the period July 1, 2001 through July 6, 2002; provided, further, that employees covered by the terms of the collective bargaining agreements listed in this item shall, subject to appropriation in fiscal year two thousand and seven and thereafter, continue to be paid salaries in effect for fiscal year 2002 until the parties to said collective bargaining agreements reach agreement or lawful impasse in negotiations for successor agreements; provided, further, that the president of the University of Massachusetts shall expend these funds for such salary adjustments and other economic items in accordance with the provisions herein and the terms of the collective

bargaining agreements listed in this item; provided further, that funds appropriated in this item shall be transferred by the comptroller to the University based upon a schedule submitted by the president of the University of Massachusetts; provided further, that any requirement that the employer shall submit to the general court a request for an appropriation necessary to fund cost items in a collective bargaining agreement shall not apply to the funding for salary adjustments and other economic items set forth in this item for the collective bargaining agreements listed in this item, notwithstanding the provisions of chapter 150E of the General Laws, including subsection (c) of section 7 of said chapter 150E or any other general or special law to the contrary nor the expiration of any collective bargaining agreement and any contractual requirements relative to allocation of appropriations which would interfere with or impede the payment of salary adjustments and other economic items provided for in this item for the collective bargaining agreements listed in this item and shall not apply to the payment of such salary adjustments and other economic items, notwithstanding the expiration of any collective bargaining agreement; provided further, that notwithstanding the provisions of chapter 150E of the General Laws or any other general or special law to the contrary, appropriation or expenditure of funds in this item shall not constitute or create an obligation for the commonwealth or any institutions of public higher education to provide any other salary adjustments or economic benefits associated with any fiscal year prior to fiscal year 2002, as otherwise provided in such collective bargaining agreements $14,575,687

1599-4133 For a reserve for the payment of a portion of the salary adjustments and other economic items provided for in various collective bargaining agreements negotiated between the board of higher education and: the Association of Professional Administrators; and the American Federation of State, County and Municipal Employees, Council 93, Local 1067, AFL-CIO; provided, that the payments shall fund the fiscal year 2002 payments associated with salary adjustments and other economic items provided for in such collective bargaining agreements; provided further, that, no later than 30 days from the effective date of this act employees covered by

the collective bargaining agreements listed in this item shall be paid a lump sum amount equal to the difference between: (a) the salary specified in the relevant agreement; and (b) the salary each received for the period from July 1, 2001 through June 30, 2002; provided further, that employees covered by the collective bargaining agreements in this item shall, subject to appropriation in fiscal year 2007 and thereafter, continue to be paid salaries in effect for fiscal year 2002 until the parties to the collective bargaining agreements reach agreement or lawful impasse in negotiations for successor agreements; provided further, that the chancellor of higher education shall expend these funds for such salary adjustments and other economic items in accordance with this item and the terms of the collective bargaining agreements in this item; provided further, that funds appropriated in this item shall be transferred by the comptroller to the board of higher education based upon a schedule submitted by the chancellor of higher education; provided further, that any requirement that the employer shall submit to the general court a request for an appropriation necessary to fund cost items in a collective bargaining agreement shall not apply to the funding for salary adjustments set forth in this item for the collective bargaining agreements in this item, notwithstanding chapter 150E of the General Laws, including subsection (c) of section 7 of said chapter 150E, or any other general or special law to the contrary or the expiration of any collective bargaining agreement and any contractual requirements relative to allocation of appropriations which would interfere with or impede the payment of salary adjustments and other economic items provided for in this item for the collective bargaining agreements listed in this item and shall not apply to the payment of such salary adjustments and other economic items, notwithstanding the expiration of any collective bargaining agreement; provided further, that notwithstanding said chapter 150E or any other general or special law to the contrary, appropriation or expenditure of funds in this item shall not constitute or create an obligation for the commonwealth or any institution of public higher education to provide any other salary adjustments or economic benefits associated with any fiscal year prior to or other than fiscal year 2002, as otherwise provided in such collective bargaining agreement . . $5,764,199

1599-4202 For a reserve to meet the fiscal year 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the American Federation of State, County and Municipal Employees, SEIU, Unit 2, and to meet the fiscal year 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2007 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $18,642,595

1599-4203 For a reserve to meet the fiscal year 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the International Brotherhood of Correctional Officers, National Association of Government Employees, Unit 4A, and to meet the fiscal year 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2007 such amounts as are

necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $281,356

1599-4204 For a reserve to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the State Police Association of Massachusetts, and to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 and 2007 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $49,303,804

1599-4205 For a reserve to meet the fiscal year 2005, 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Professional Staff Union/Massachusetts Teachers Association/NEA at the Amherst and Boston campuses, and to meet the fiscal year 2005, 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the provisions of the collective

bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 and 2007 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $6,797,183

1599-4206 For a reserve to meet the fiscal year 2005, 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Professional Staff Union/Massachusetts Teachers Association/NEA, Unit B at the Amherst campus, and to meet the fiscal year 2005, 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 and 2007 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $94,996

1599-4207 For a reserve to meet the fiscal year 2005, 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the American Federation of State, County and Municipal Employees, AFL-CIO, Local 507 at the Dartmouth campus, and to meet the fiscal year 2005, 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and

benefits to employees employed in confidential positions, so called, which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 and 2007 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $552,012

1599-4208 For a reserve to meet the fiscal year 2005, 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Federation of Maintenance and Custodial Employees, MFT, AFT, AFL-CIO at the Dartmouth campus, and to meet the fiscal year 2005, 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 and 2007 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $267,022

1599-4209 For a reserve to meet the fiscal year 2005, 2006 and 2007 costs of salary adjustments and other economic benefits authorized

by the collective bargaining agreement between the University of Massachusetts and the American Federation of Teachers, Local 1895, AFL-CIO, Educational Services Unit at the Dartmouth campus, and to meet the fiscal year 2005, 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 and 2007 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $939,082

1599-4210 For a reserve to meet the fiscal year 2005, 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the American Federation of State, County and Municipal Employees, AFL-CIO, Local 1776 at the Amherst campus, and to meet the fiscal year 2005, 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 and 2007 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the

purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $1,344,343

1599-4211 For a reserve to meet the fiscal year 2005, 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Service Employees International Union, Local 888 at the Lowell campus, and to meet the fiscal year 2005, 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so called, which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 and 2007 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $2,071,538

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Massachusetts Commission for the Deaf and Hard of Hearing.

4125-0102 For the costs associated with providing interpreter services for the deaf and hard of hearing at State House public hearings and events; provided, that the commission shall be responsible for providing interpreters at all public hearings and events that they consider necessary; and provided further, that the commission shall establish and maintain a dedicated phone line that allows the public to inform the commission of upcoming hearings $12,000

SECTION 2C.I. For the purpose of making available in fiscal year 2007 balances of appropriations which otherwise would revert on June 30, 2006, the unexpended balances of the maintenance appropriations listed below, not to exceed the amount specified below

for each item, and the unexpended balance of all appropriations in the Massachusetts management accounting and reporting system with a secretariat code of 01 or 17, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of chapter 45 of the acts of 2005; provided, however, that for items which do not appear in said section 2 of said chapter 45, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this section are re-appropriated from the funds designated for the corresponding item in said section 2 of said chapter 45; provided, however, that for items which do not appear in said section 2 of said chapter 45, the amounts in this section are re-appropriated from the funds designated for the corresponding item in said section 2 or 2A of this act or in prior appropriation acts. The sums re-appropriated herein shall be in addition to any amounts available for said purposes. All amounts appropriated in said section 2 and 2A of this act shall be available for expenditure in fiscal year 2007.

Economic Development.

Department of Workforce Development.

7002-0012	$3,800,000
7003-0605	$706,666
7003-0803	$2,000,000

Department of Business and Technology.

7007-1300	$935,000

Department of Education.

7027-0016	$2,600,000
7027-0019	$3,000,000
7035-0002	$3,000,000
7035-0004	$66,000

SECTION 2C.II. For the purpose of making available in fiscal year 2007 balances of retained revenue and intragovernmental chargeback authorizations which otherwise would revert on June 30, 2006, the unexpended balances of the authorizations listed below, not to exceed the amount specified below for each item, are hereby re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2B of chapter 45 of the acts of 2005 ; provided, however, that for items which do not appear in said section 2 or 2B of said chapter 45, the amounts in this section are re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section 2, 2A, or 2B of this act or in prior appropriation acts. Amounts in this section are re-authorized from the funds designated for the corresponding item in said section 2 or 2B of said chapter 45; provided, however, that for items which do not appear in said section 2 or 2B of said chapter 45, the amounts in this section are re-authorized from the funds designated for the

corresponding item in section 2, 2A, or 2B of this act or in prior appropriation acts. The sums re-authorized herein shall be in addition to any amounts available for said purposes.

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
Department of Transitional Assistance.

4401-1100 ..... $17,000,000

SECTION 2½. Section 1A of chapter 15D of the General Laws, inserted by chapter ___ of the acts of 2006, is hereby amended by striking out the definition of "Placement agency" and inserting in place thereof the following definition:-

"Placement agency", a department, agency or institution of the commonwealth, or any political subdivision thereof, or a person who provides custodial care and social services to children and who receives, by agreement with a parent or guardian, by contract with a state agency or as a result of referral by a court of competent jurisdiction, any child under 18 years of age, for placement in family foster care or a group care facility, or for adoption.

SECTION 2¾. Subsection (b) of section 19L of chapter 90 of the General Laws, inserted by chapter 120 of the acts of 2006, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Municipal police officers or municipal police departments shall not conduct terminal audits.

SECTION 3. Item 1599-4124 of section 2A of chapter 6 of the acts of 2005 is hereby amended by striking out the words "July 6, 2003" and inserting in place thereof the following words:- July 1, 2003.

SECTION 4. Item 0340-1100 of section 2 of chapter 45 of the acts of 2005 is hereby amended by adding the following words:— ; and provided further, that $150,000 shall be expended for the operation and management of the Berkshire County Drug Task Force.

SECTION 5. Item 1410-0010 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; provided further, that not less than $25,000 shall be provided for the Massachusetts Commission on Veterans' Employment Opportunities.

SECTION 6. Item 7004-9005 of said section 2 of said chapter 45 is hereby amended by inserting after the words "appropriated in this item" the following words:— ; provided further, that $7,748,698 shall be expended for funds owed to local housing authorities for prior operating subsidy deficiencies; provided further, the department of housing and community development shall not expend less than $3,000,000 of the funds appropriated herein to increase by 6 per cent the department's allowable non-utility expense levels on all housing authority budgets for elderly and family public housing effective July 1, 2005.

SECTION 7. Said section 2 of said chapter 45 is hereby further amended by striking out item 7006-1000 and inserting in place thereof the following item:—

7006-1000 For the operation of the division of energy resources $1,041,404

SECTION 8. Said section 2 of said chapter 45 is hereby further amended by inserting after item 7006-1001 the following item:—

7006-1003 For the operation of the division of energy resources; provided, that notwithstanding any general or special law to the contrary, the amount assessed under section 11H of chapter 25A of the General Laws shall be equal to the amount expended from this item $400,000

SECTION 9. Item 7007-0900 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; provided further, that not less than $200,000 shall be provided for the Basketball Hall of Fame in Springfield.

SECTION 10. Item 1599-2005 of section 2A of chapter 81 of the acts of 2005 is hereby amended by adding the following words:— ; provided further, that in addition to said purposes, funds may be used to meet the costs associated with the flood emergency beginning on May 14, 2006; provided further, that said costs may include costs to state agencies, the match required for Federal Emergency Management Agency reimbursement, and any other monies deemed necessary for flood relief; and provided further, that the funds appropriated herein shall be made available until June 30, 2007.

SECTION 11. Subsection (b) of section 16 of chapter 106 of the acts of 2005 is hereby amended by striking out the words, "Commonwealth Stabilization Fund established in section 2H of said chapter 29" and inserting in place thereof the following words:- General Fund.

SECTION 12. Item 7004-0097 of section 2E of chapter 122 of the acts of 2006 is hereby amended by striking out the words "provided further, that not less than $2,000,000 shall be expended for the purpose of expanding the groundwater monitoring system in the city of Boston" and inserting in place thereof the following words:— provided further, that not less than $2,000,000 is to be appropriated to the City of Boston for a demonstration project to attempt to increase groundwater levels in a section of the City adjacent to the Southwest Corridor, with all phases of the design and implementation of the project to be overseen by the Boston Groundwater Trust; provided further, that such funds are to be expended with the advance agreement of the Boston Groundwater Trust and in consultation with, among others, the Massachusetts Bay Transportation Authority; provided further, that in undertaking management of the demonstration project, neither the City of Boston nor the Boston Groundwater Trust assume any liability for the cause of the low groundwater levels in this area, and nor does the success or failure of the project change any potentially responsible party's accountability for the creation of the low groundwater problem.

SECTION 13. Said item 7004-0097 of said section 2E of said chapter 122 is hereby further amended by adding the following words:- ; and provided further, that $200,000 shall be expended for the Central Square theater project in the city of Cambridge.

SECTION 14. Clause (3) of subsection (a) of section 95 of chapter 139 of the acts of 2006 is hereby amended by adding the following words:- provided further, that a community health center which provides twenty-four hour emergency services, a Program

corresponding item in section 2, 2A, or 2B of this act or in prior appropriation acts. The sums re-authorized herein shall be in addition to any amounts available for said purposes.

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Department of Transitional Assistance.

4401-1100 ..... $17,000,000

SECTION 2½. Section 1A of chapter 15D of the General Laws, inserted by chapter ___ of the acts of 2006, is hereby amended by striking out the definition of "Placement agency" and inserting in place thereof the following definition:-

"Placement agency", a department, agency or institution of the commonwealth, or any political subdivision thereof, or a person who provides custodial care and social services to children and who receives, by agreement with a parent or guardian, by contract with a state agency or as a result of referral by a court of competent jurisdiction, any child under 18 years of age, for placement in family foster care or a group care facility, or for adoption.

SECTION 2¾. Subsection (b) of section 19L of chapter 90 of the General Laws, inserted by chapter 120 of the acts of 2006, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Municipal police officers or municipal police departments shall not conduct terminal audits.

SECTION 3. Item 1599-4124 of section 2A of chapter 6 of the acts of 2005 is hereby amended by striking out the words "July 6, 2003" and inserting in place thereof the following words:- July 1, 2003.

SECTION 4. Item 0340-1100 of section 2 of chapter 45 of the acts of 2005 is hereby amended by adding the following words:— ; and provided further, that $150,000 shall be expended for the operation and management of the Berkshire County Drug Task Force.

SECTION 5. Item 1410-0010 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; provided further, that not less than $25,000 shall be provided for the Massachusetts Commission on Veterans' Employment Opportunities.

SECTION 6. Item 7004-9005 of said section 2 of said chapter 45 is hereby amended by inserting after the words "appropriated in this item" the following words:— ; provided further, that $7,748,698 shall be expended for funds owed to local housing authorities for prior operating subsidy deficiencies; provided further, the department of housing and community development shall not expend less than $3,000,000 of the funds appropriated herein to increase by 6 per cent the department's allowable non-utility expense levels on all housing authority budgets for elderly and family public housing effective July 1, 2005.

SECTION 7. Said section 2 of said chapter 45 is hereby further amended by striking out item 7006-1000 and inserting in place thereof the following item:—

7006-1000 For the operation of the division of energy resources $1,041,404

SECTION 8. Said section 2 of said chapter 45 is hereby further amended by inserting after item 7006-1001 the following item:—

7006-1003 For the operation of the division of energy resources; provided, that notwithstanding any general or special law to the contrary, the amount assessed under section 11H of chapter 25A of the General Laws shall be equal to the amount expended from this item $400,000

SECTION 9. Item 7007-0900 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; provided further, that not less than $200,000 shall be provided for the Basketball Hall of Fame in Springfield.

SECTION 10. Item 1599-2005 of section 2A of chapter 81 of the acts of 2005 is hereby amended by adding the following words:— ; provided further, that in addition to said purposes, funds may be used to meet the costs associated with the flood emergency beginning on May 14, 2006; provided further, that said costs may include costs to state agencies, the match required for Federal Emergency Management Agency reimbursement, and any other monies deemed necessary for flood relief; and provided further, that the funds appropriated herein shall be made available until June 30, 2007.

SECTION 11. Subsection (b) of section 16 of chapter 106 of the acts of 2005 is hereby amended by striking out the words, "Commonwealth Stabilization Fund established in section 2H of said chapter 29" and inserting in place thereof the following words:- General Fund.

SECTION 12. Item 7004-0097 of section 2E of chapter 122 of the acts of 2006 is hereby amended by striking out the words "provided further, that not less than $2,000,000 shall be expended for the purpose of expanding the groundwater monitoring system in the city of Boston" and inserting in place thereof the following words:— provided further, that not less than $2,000,000 is to be appropriated to the City of Boston for a demonstration project to attempt to increase groundwater levels in a section of the City adjacent to the Southwest Corridor, with all phases of the design and implementation of the project to be overseen by the Boston Groundwater Trust; provided further, that such funds are to be expended with the advance agreement of the Boston Groundwater Trust and in consultation with, among others, the Massachusetts Bay Transportation Authority; provided further, that in undertaking management of the demonstration project, neither the City of Boston nor the Boston Groundwater Trust assume any liability for the cause of the low groundwater levels in this area, and nor does the success or failure of the project change any potentially responsible party's accountability for the creation of the low groundwater problem.

SECTION 13. Said item 7004-0097 of said section 2E of said chapter 122 is hereby further amended by adding the following words:- ; and provided further, that $200,000 shall be expended for the Central Square theater project in the city of Cambridge.

SECTION 14. Clause (3) of subsection (a) of section 95 of chapter 139 of the acts of 2006 is hereby amended by adding the following words:- provided further, that a community health center which provides twenty-four hour emergency services, a Program

of All-Inclusive Care for the Elderly (PACE program) and a 340B pharmacy program and provides essential services to underserved communities shall be awarded not less than the level of funding it was awarded in the previous fiscal year pursuant to section 31 of chapter 45 of the Acts of 2005.

SECTION 15. Employees covered by the terms of the collective bargaining agreements in item 1599-4131 of section 2A who, after July 7, 2002, retired or otherwise terminated employment, or the beneficiary of such an employee who died after July 7, 2002, shall be paid, not later than 30 days after the effective date of this act, a lump sum amount equal to the difference between: (a) the salary specified in the relevant agreement; and (b) the salary each received for the time they were employed during the period July 1, 2001 through July 6, 2002; provided, however, that notwithstanding chapter 32 of the General Laws, the amount of the retirement allowance paid under said chapter 32 to an employee who prior to retirement was covered by the terms of the collective bargaining agreements in said items 1599-4131 of said section 2A and who retired after July 7, 2002, shall be calculated as though the employee's regular compensation for any period of employment from July 1, 2001 through July 6, 2002 had been received by the employee in accordance with such agreement and appropriate retirement deductions withheld. Appropriate adjustments shall be made to an employee's retirement allowance, including payments retroactive to the effective date of retirement.

Employees covered by the terms of the collective bargaining agreements in item 1599-4133 of section 2A who, after July 1, 2002, retired or otherwise terminated employment, or the beneficiary of such an employee who died after July 1, 2002, shall be paid, not later than 30 days after the effective date of this act, a lump sum amount equal to the difference between: (a) the salary specified in the relevant agreement; and (b) the salary each received for the time they were employed during the period July 1, 2001 through June 30, 2002; provided, however, that notwithstanding chapter 32 of the General Laws, the amount of the retirement allowance paid under said chapter 32 to an employee who prior to retirement was covered by the terms of the collective bargaining agreements in said item 1599-4133 of said section 2A and who retired after June 30, 2002, shall be calculated as though the employee's regular compensation for any period of employment from July 1, 2001 through July 1, 2002 had been received by the employee in accordance with such agreement and appropriate retirement deductions withheld. Appropriate adjustments shall be made to an employee's retirement allowance, including payments retroactive to the effective date of retirement.

SECTION 16. In connection with the construction of a hospital or hospital related buildings only and, notwithstanding any general or special law or rule or regulation to the contrary, no height limit shall be imposed pursuant to the General Laws upon Parcel 6 in the Charlestown Navy Yard except for that promulgated under chapter 91 of the General Laws governing the height of new or expanded buildings for non-water dependent use as a function of separation from the Little Mystic and Main Channel, which shall be measured only from the project shoreline bordering said channels at the north by northeasterly end of said Parcel

6, provided however that the base of any building or buildings on said Parcel 6 shall be setback from 16th Street in accordance with the requirements of the Design Guidelines established in the Memorandum of Agreement dated June 1978 by and among the General Services Administration, the Advisory Counsel on Historic Preservation, the Massachusetts State Historic Preservation Officer and the Boston Redevelopment Authority, as that Memorandum of Agreement and Design Guidelines has, or may be amended from time to time; and provided further, that any portion of those buildings above the first 2 stories shall be further setback a minimum of an additional 25 feet; and provided further, that the secretary of environmental affairs has determined that the project, of which such construction is a part, adequately and properly complies with sections 61 to 62H, inclusive, of chapter 30 of the General Laws , and the Boston Redevelopment Authority has issued an adequacy determination for the project of which such construction is a part pursuant to article 80 of the Boston zoning code.

SECTION 17. Notwithstanding any general or special law to the contrary, the withdrawal of water from Spot Pond reservoir by the town of Winchester under the Spot Pond Elevation Management Agreement between the town of Winchester and the Massachusetts Water Resources Authority dated October 27, 2002 shall be considered a water sharing agreement for the purposes of chapter 21G of the General Laws and as defined in 310 CMR 36.00. So long as the agreement remains in effect and the town of Winchester withdraws water from Spot Pond in compliance with this agreement, the withdrawal of water from Spot Pond shall not require registration or a permit under said chapter 21G.

This bill was returned on July 28, 2006, by the Governor to the House of Representatives, the branch in which said bill was originated, with His objections in writing to the following items therein:

Items Disapproved:

SECTION 2A:	1599-1975	1599-4131	1599-4133
SECTION 2C.1	7003-0605	7027-0019	7035-0004

SECTIONS: 2½, 2¾, and 3.

SECTION 2C.1 *Items reduced in amount*

Item	Reduce by	Reduce to
7027-0016	1,100,000	1,500,000

Pursuant to Article 56 as amended by Article 90, Section 3, of the Amendments to the Constitution, the Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments to Sections 6, 14, 15, and 17.

The remainder of the bill was approved by the Governor on July 28, 2006 at three o'clock and thirty minutes, P.M.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 31, 2006 the House of Representatives and in concurrence *on July 31, 2006 the Senate passed the following Items*:
SECTION 2A. Items: 1599-1975. 1599-4131 and 1599-4133.
SECTION 2C.1. Items: 7003-0605, 7027-0016, 7027-0019 and 7035-0004.
SECTIONS 2¾ and 3.

Chapter 193. AN ACT RELATIVE TO A CERTAIN RETIRED EMPLOYEE OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith certain retirement benefits, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law, rule or regulation to the contrary, the state board of retirement shall grant membership to J. Michael Ruane on the effective date of this act or the date of his death, whichever comes first, and shall grant him a superannuation retirement allowance in accordance with section 5 of chapter 32 of the General Laws computed using the number of years of creditable service multiplied by 2.5 per cent, then multiplied by the average annual rate of compensation received by him during any period of 3 consecutive years of creditable service, but this superannuation allowance shall be in lieu of and not in addition to any disability allowance he may have been receiving before the effective date of this act. For purposes of this act, creditable service shall include his service as an employee of the city of Salem and his service in the general court. Upon the effective date of this act, the Salem retirement board shall transfer to the state board of retirement any accumulated retirement deductions held on account relating to J. Michael Ruane. J. Michael Ruane shall be allowed to select any retirement option available under section 12 of chapter 32 and shall be eligible to receive health care benefits. If J. Michael Ruane dies before the effective date of this act, then he shall be considered to have chosen Option (c), designating his wife as beneficiary.

SECTION 2. The state board of retirement shall calculate the amount of deductions that J. Michael Ruane would have contributed from his regular compensation had he been a member in service from September 1, 1994 through January 4, 2005, plus interest that would have accrued if he had been making contributions during that period.

SECTION 3. The commonwealth shall place a lien on the principal residence of J. Michael Ruane in the amount calculated in section 2. Recovery shall be made only after the death of J. Michael Ruane, his surviving spouse and his surviving children who are currently

residing at his principal residence. J. Michael Ruane, his family or other individuals or entities may make contributions to the commonwealth within 1 year after the effective date of this act, for the purpose of payment of the pension obligation calculated in section 2 and to reduce the lien established in this section.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on July 25, 2005, and in concurrence by the Senate on July 25, 2005, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 194. AN ACT RELATIVE TO SEXUAL ASSAULT NURSE EXAMINERS AND FORENSIC EVIDENCE IN CASES OF SEXUAL ASSAULT AND RAPE.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by adding the following section:–

Section 220. (a) As used in this section, the following words, unless the context clearly indicates otherwise, shall have the following meanings:-

"Forensic examination", the collection, preservation and documentation of forensic evidence.

"Forensic evidence", evidence collected during the physical examination of a patient after a sexual assault or rape including, but not limited to, evidence collected through use of the standardized kit for the collection and preservation of evidence in rape cases pursuant to section 97B of chapter 41, irrespective of whether the sexual assault or rape was reported to law enforcement officials.

(b) The commissioner of public health shall establish a multi-disciplinary advisory board to assist with the development of a statewide program for the training and certification of sexual assault nurse examiners to conduct comprehensive forensic exams for the purpose of collection, preservation and documentation of forensic evidence for use in civil or criminal proceedings. The advisory board shall include, but not be limited to, a representative from the executive office of public safety, Jane Doe Inc., the office of the attorney general, the Massachusetts office for victim assistance, the disabled persons protection commission, the Massachusetts Nurses Association, the American Academy of Pediatricians, the Massachusetts Children's Alliance, the Massachusetts District Attorney's Association, the department of social services, the Massachusetts Medical Society, the Massachusetts Hospital Association, the Massachusetts College of Emergency Physicians, the Emergency Nurses Association, the Boston police department crime laboratory and the state police crime laboratory.

(c) In consultation with the advisory board, the commissioner shall establish requirements for certification and recertification for sexual assault nurse examiners. An applicant for certification at minimum shall be licensed to practice in the commonwealth as a registered nurse or medical doctor; shall have successfully completed a department approved training program, a written examination, and a pelvic and sexual assault clinical preceptorship; and shall satisfy all requirements that the commissioner may establish for certification.

(d) In consultation with the advisory board, the commissioner shall establish specialized requirements for certification and recertification for pediatric sexual assault nurse examiners to conduct forensic exams of patients under 12 years of age.

(e) In consultation with the advisory board, the commissioner shall establish uniform standards and protocols for certified sexual assault nurse examiners and certified pediatric sexual assault nurse examiners to use in conducting forensic exams.

(f) The department shall operate a program to deliver sexual assault nurse examiner services at designated sites throughout the commonwealth. In consultation with the advisory board, the commissioner shall establish guidelines for site designation.

(g) The department may enter into agreements with hospitals, other health, welfare and social service agencies, other government agencies, and not-for-profit organizations necessary to carry out the purposes of this section.

(h) The department may adopt regulations to implement this section.

Approved August 1, 2006.

Chapter 195. AN ACT ESTABLISHING STATE TRADEMARKS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 110B of the General Laws is hereby repealed.

SECTION 2. The General Laws are hereby amended by inserting after chapter 110G the following chapter:-

CHAPTER 110H.

Registration and Protection of Trademarks

Section 1. As used in this chapter, the following words shall, unless the context requires otherwise, have the following meanings:-

"Applicant", a person filing an application for registration of a mark under this chapter, and the legal representatives, successors, or assigns of that person.

"Mark", a trademark or service mark, entitled to registration under this chapter whether registered or not.

A mark shall be considered "abandoned" when either of the following occurs:-

(a) When its use has been discontinued with intent not to resume the use. Intent not

to resume may be inferred from circumstances. Nonuse for 2 consecutive years shall constitute prima facie evidence of abandonment.

(b) When any course of conduct of the owner, including acts of omission as well as commission, causes the mark to lose its significance as a mark.

"Person", or other word or term used to designate the applicant or other party entitled to a benefit or privilege or rendered liable under this chapter includes a juristic person as well as a natural person. The words "juristic person" includes a firm, partnership, corporation, union, association, or other organization capable of suing and being sued in a court of law.

"Registrant", a person to whom the registration of a mark under this chapter is issued, and the legal representatives, successors, or assigns of that person.

"Secretary", the state secretary or his designee charged with the administration of this chapter.

"Service mark", a word, name, symbol, or device or any combination thereof used by a person, to identify and distinguish the services of one person, including a unique service, from the services of others, and to indicate the source of the services, even if that source is unknown. Titles, character names used by a person, and other distinctive features of radio or television programs may be registered as service marks notwithstanding that they, or the programs, may advertise the goods of the sponsor.

"Trademark", a word, name, symbol, or device or any combination thereof used by a person to identify and distinguish the goods of that person, including a unique product, from those manufactured or sold by others, and to indicate the source of the goods, even if that source is unknown.

"Trade name", any name used by a person to identify a business or vocation of that person.

"Use", the bona fide use of a mark in the ordinary course of trade, and not made merely to reserve a right in a mark. For the purposes of this chapter, a mark shall be considered to be in use:-

(a) on goods when it is placed in any manner on the goods or other containers or the displays associated therewith or on the tags or labels affixed thereto, or if the nature of the goods makes the placement impracticable, then on documents associated with the goods or their sale, and the goods are sold or transported in commerce in the commonwealth, and

(b) on services when it is used or displayed in the sale or advertising of services and the services are rendered in the commonwealth.

Section 2. A mark by which the goods or services of an applicant for registration may be distinguished from the goods or services of others shall not be registered if it:

(1) consists of or comprises immoral, deceptive or scandalous matter;

(2) consists of or comprises matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute;

(3) consists of or comprises the flag or coat of arms or other insignia of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof;

(4) consists of or comprises the name, signature or portrait identifying a particular living individual, except by the individual's written consent; or

(5) consists of a mark which:-

(i) when used on or in connection with the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them,

(ii) when used on or in connection with the goods or services of the applicant is primarily geographically descriptive or deceptively misdescriptive of them, or

(iii) is primarily merely a surname, provided, however, that nothing in this clause shall prevent the registration of a mark used by the applicant which has become distinctive of the applicant's goods or services. The secretary may accept as evidence that the mark has become distinctive, as used on or in connection with the applicant's goods or services, proof of continuous use thereof as a mark by the applicant in the commonwealth for the 5 years before the date on which the claim of distinctiveness is made; or

(6) consists of or comprises a mark which so resembles a mark registered in the commonwealth or a mark or trade name previously used by another and not abandoned, as to be likely, when used on or in connection with the goods or services of the applicant, to cause confusion or mistake or to deceive.

Section 3. (a) Subject to the limitations set forth in this chapter, a person who uses a mark may file in the office of the secretary, in a manner complying with the requirements of the secretary, an application for registration of that mark setting forth, but not limited to, the following information:-

(1) the name and business address of the person applying for the registration; and, if a corporation, the state of incorporation, or if a partnership, the state in which the partnership is organized and the names of the general partners, as specified by the secretary,

(2) the goods or services in connection with which the mark is used and the mode or manner in which the mark is used on or in connection with the goods or services and the class in which the goods or services fall,

(3) the date when the mark was first used anywhere and the date when it was first used in the commonwealth by the applicant or a predecessor in interest, and

(4) a statement that the applicant is the owner of the mark, that the mark is in use, and that, to the knowledge of the person verifying the application, no other person has registered, either federally or in the commonwealth, or has the right to use the mark either in the identical form thereof or in near resemblance thereto as to be likely, when applied to the goods or services of the other person, to cause confusion, or to cause mistake, or to deceive.

(b) The secretary may also require a statement as to whether an application to register the mark, or portions or a composite thereof, has been filed by the applicant or a predecessor in interest in the United States Patent and Trademark Office; and, if so, the applicant shall provide full particulars with respect thereto including the filing date and serial number of each application, the status thereof and, if any application was finally refused registration or has otherwise not resulted in a registration, the reasons therefore.

(c) The secretary may also require that a drawing of the mark accompany the application complying with requirements as the secretary may specify.

(d) The application shall be signed and verified, by oath, affirmation or declaration subject to perjury laws, by the applicant or by a member of the firm or an officer of the corporation or association applying.

(e) The application shall be accompanied by 3 specimens showing the mark as actually used.

(f) The application shall be accompanied by the application fee payable to the secretary.

Section 4. (a) Upon the filing of an application for registration and payment of the application fee, the secretary may cause the application to be examined for conformity with this chapter.

(b) The applicant shall provide any additional pertinent information requested by the secretary including a description of a design mark and may make, or authorize the secretary to make, amendments to the application as may be reasonably requested by the secretary or considered by applicant to be advisable to respond to any rejection or objection.

(c) The secretary may require the applicant to disclaim an unregisterable component of a mark otherwise registerable, and an applicant may voluntarily disclaim a component of a mark sought to be registered. No disclaimer shall prejudice or affect the applicant's or registrant's rights then existing or thereafter arising in the disclaimed matter, or the applicant's or registrant's rights of registration on another application if the disclaimed matter be or shall have become distinctive of the applicant's or registrant's goods or services.

(d) Amendments may be made by the secretary upon the application submitted by the applicant upon applicant's agreement; or a fresh application may be required to be submitted.

(e) If the applicant is found not to be entitled to registration, the secretary shall advise the applicant thereof and of the reasons therefor. The applicant shall have a reasonable period of time specified by the secretary in which to reply or to amend the application, in which event the application shall then be reexamined. This procedure may be repeated until:-

(i) the secretary finally refuses registration of the mark, or

(ii) the applicant fails to reply or amend within the specified period, whereupon the application shall be considered to have been abandoned.

(f) If the secretary finally refuses registration of the mark, the applicant may seek a writ of mandamus to compel the registration. The writ may be granted, but without costs to the secretary, on proof that all the statements in the application are true and that the mark is otherwise entitled to registration.

(g) In the instance of applications concurrently being processed by the secretary seeking registration of the same or confusingly similar marks for the same or related goods or services, the secretary shall grant priority to the applications in order of filing. If a prior filed application is granted a registration, the other application or applications shall then be

rejected. A rejected applicant may bring an action for cancellation of the registration upon grounds of prior or superior rights to the mark, in accordance with the provisions of section 9.

Section 5. (a) Upon compliance by the applicant with the requirements of this chapter, the secretary shall cause a certificate of registration to be issued and delivered to the applicant. The certificate of registration shall be issued under the signature of the secretary and the seal of the commonwealth, and it shall show the name and business address and, if a corporation, the state of incorporation, or if a partnership, the commonwealth in which the partnership is organized and the names of the general partners, as specified by the secretary, of the person claiming ownership of the mark, the date claimed for the first use of the mark anywhere and the date claimed for the first use of the mark in the commonwealth, the class of goods or services and a description of the goods or services on or in connection with which the mark is used, a reproduction of the mark, the registration date and the term of the registration.

(b) A certificate of registration issued by the secretary under this chapter or a copy thereof duly certified by the secretary shall be admissible in evidence as competent and sufficient proof of the registration of the mark in any actions or judicial proceedings in any court of the commonwealth. Registration of or renewal of a mark provided by this chapter shall be constructive notice of the registrant's claim of ownership thereof and shall, when introduced in any action, be prima facie evidence of the registrant's exclusive right to use the registered mark in this commonwealth on goods or services specified in the registration subject to any conditions or limitations stated therein, but shall not preclude an opposing party from proving any legal or equitable defense or defect which might have been asserted if the mark had not been registered.

Section 6. (a) A registration of mark hereunder shall be effective for a term of 5 years from the date of registration and, upon application filed within 6 months before the expiration of the term, in a manner complying with the requirements of the secretary, the registration may be renewed for a like term from the end of the expiring term. A renewal fee, payable to the secretary, shall accompany the application for renewal of the registration.

(b) A registration may be renewed for successive periods of 5 years in like manner.

(c) A registration in force on the date on which this chapter shall become effective shall continue in full force and effect for the unexpired term thereof and may be renewed by filing an application for renewal with the secretary complying with the requirements of the secretary and paying the renewal fee therefor within 6 months before the expiration of the registration.

(d) All applications for renewal under this chapter, whether of registrations made under this chapter or of registrations effected under any prior act, shall include a verified statement that the mark has been and is still in use and include a specimen showing actual use of the mark on or in connection with the goods or services.

Section 7. (a) A mark and its registration hereunder shall be assignable with the good

will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Assignment shall be by instruments in writing duly executed and may be recorded with the secretary upon the payment of the recording fee payable to the secretary who, upon recording of the assignment, shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof. An assignment of any registration under this chapter shall be void as against any subsequent purchaser for valuable consideration without notice, unless it is recorded with the secretary within 3 months after the date thereof or before the subsequent purchase.

(b) A registrant or applicant effecting a change of the name of the person to whom the mark was issued or for whom an application was filed may record a certificate of change of name of the registrant or applicant with the secretary upon the payment of the recording fee. The secretary may issue in the name of the assignee a certificate of registration of an assigned application. The secretary may issue in the name of the assignee, a new certificate or registration for the remainder of the term of the registration or last renewal thereof.

(c) Other instruments which relate to a mark registered or application pending pursuant to this chapter, such as, by way of example, licenses, security interests or mortgages, may be recorded in the discretion of the secretary, provided that the instrument is in writing and duly executed.

(d) Acknowledgement shall be prima facie evidence of the execution of an assignment or other instrument and, when recorded by the secretary, the record shall be prima facie evidence of execution.

(e) A photocopy of any instrument referred to in subsection (a), (b) or (c), shall be accepted for recording if it is certified by any of the parties thereto, or their successors, to be a true and correct copy of the original.

Section 8. The secretary shall keep for public examination a record of all marks registered or renewed under this chapter, as well as a record of all documents recorded pursuant to section 7.

Section 9. (a) The secretary shall cancel from the register, in whole or in part:-

(1) a registration concerning which the secretary shall receive a voluntary request for cancellation thereof from the registrant or the assignee of record;

(2) registrations granted under this chapter and not renewed in accordance with the provisions hereof;

(3) a registration concerning which the superior court shall find:-

(i) that the registered mark has been abandoned,

(ii) that the registrant is not the owner of the mark,

(iii) that the registration was granted improperly,

(iv) that the registration was obtained fraudulently,

(v) that the mark is or has become the generic name for the goods or services, or a portion thereof, for which it has been registered,

(vi) that the registered mark is so similar, as to be likely to cause confusion or mistake or to deceive, to a mark registered by another person in the United States Patent Trademark Office prior to the date of the filing of the application for registration by the registrant hereunder, and not abandoned; but, should the registrant prove that the registrant is the owner of a concurrent registration of a mark in the United States Patent and Trademark Office covering an area including the commonwealth, the registration hereunder shall not be cancelled for the area of the state, or

(4) when the superior court shall order cancellation of a registration on any ground.

Section 10. The secretary shall by regulation establish a classification of goods and services for convenience of administration of this chapter, but not to limit or extend the applicant's or registrant's rights, and a single application for registration of a mark may include any or all goods upon which, or services with which, the mark is actually being used indicating the appropriate class or classes of goods or services. When a single application includes goods or services which fall within multiple classes, the secretary may require payment of a fee for each class. To the extent practical, the classification of goods and services should conform to the classification adopted by the United States Patent and Trademark Office.

Section 11. A person who shall for himself, or on behalf of any other person, procure the filing or registration of any mark in the office of the secretary under this chapter, by knowingly making any false or fraudulent representation or declaration, orally or in writing, or by any other fraudulent means, shall be liable to pay all damages sustained in consequence of the filing or registration, to be recovered by or on behalf of the party injured thereby in a court of competent jurisdiction.

Section 12. Subject to section 16, a person who shall:-

(i) use, without the consent of the registrant, any reproduction, counterfeit, copy, or colorable imitation of a mark registered under this chapter in connection with the sale, distribution, offering for sale, or advertising of any goods or services on or in connection with which the use is likely to cause confusion or mistake or to deceive as to the source of origin of such goods or services; or

(ii) reproduce, counterfeit, copy or colorably imitate the mark and apply the reproduction, counterfeit, copy or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used upon or in connection with the sale or other distribution in the commonwealth of such goods or services; shall be liable in a civil action by the registrant for the remedies provided in section 14, except that under clause (ii) of this section the registrant shall not be entitled to recover profits or damages unless the acts have been committed with the intent to cause confusion or mistake or to deceive.

Section 13. Likelihood of injury to business reputation or of dilution of the distinctive quality of a mark registered under this chapter, or a mark valid at common law, or a trade name valid at common law, shall be a ground for injunctive relief notwithstanding the absence of competition between the parties or the absence of confusion as to the source

of goods or services.

Section 14. (a) An owner of a mark registered under this chapter may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof and the superior court may grant injunctions to restrain the manufacture, use, display or sale as may be considered by the court as just and reasonable, and may require the defendants to pay to the owner all profits derived from and all damages suffered by reason of the wrongful manufacture, use, display or sale; and the court may also order that the counterfeits or imitations in the possession or under the control of any defendant in the case be delivered to an officer of the court, or to the complainant, to be destroyed. The court, in its discretion, may enter judgment for an amount not to exceed 3 times the profits and damages and reasonable attorneys' fees of the prevailing party in the cases where the court finds the other party committed wrongful acts with knowledge or in bad faith or otherwise as according to the circumstances of the case.

(b) The enumeration of any right or remedy herein shall not affect a registrant's right to prosecute under any penal law of the commonwealth.

Section 15. (a) Actions to require cancellation of a mark registered pursuant to this chapter or in mandamus to compel registration of a mark pursuant to this chapter shall be brought in the superior court. In an action in mandamus, the proceeding shall be based solely upon the record before the secretary. In an action for cancellation, the secretary shall not be made a party to the proceeding but shall be notified of the filing of the complaint by the clerk of the court in which it is filed and shall have the right to intervene in the action.

(b) In any action brought against a nonresident registrant, service may be effected upon the secretary as agent for service of the registrant in accordance with the procedures established for service upon nonresident corporations and business entities under section 15 of chapter 181, regardless of whether the nonresident is a natural person or other juristic person.

Section 16. Nothing herein shall adversely affect the rights or the enforcement of rights in marks acquired in good faith at any time at common law.

Section 17. The secretary shall by regulation prescribe the fees payable for the various applications and recording fees and for related services. Unless specified by the secretary, the fees payable herein are not refundable.

SECTION 3. Paragraph (b) of section 4.01 of chapter 156D of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out clause (6) and inserting in place thereof the following clause:-

(6) a trademark of service mark registered with the secretary of state under chapter 110B or 110G.

SECTION 4. Subsection (b) of section 15.06 of said chapter 156D, as so appearing, is hereby amended by striking out clause (6) and inserting in place thereof the following clause:-

(6) a trademark of service mark registered with the secretary of state under chapter 110B or 110G.

SECTION 5. An application, suit, proceeding or appeal pending under chapter 110B of the General Laws at the time this act takes effect shall not be affected by this act.

Approved August 1, 2006.

Chapter 196. AN ACT EXEMPTING CERTAIN POSITIONS IN THE CITY OF WORCESTER FROM CIVIL SERVICE STATUS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, employees in the departments and offices of the city of Worcester who are assistants to the city manager assigned to the executive office of the city manager shall be exempt from the provisions of chapter 31 of the General Laws. Those departments and offices shall include: the budget office; grants acquisition office; neighborhood services; the development office; the human resources office; the administrative staff of the planning and zoning boards, the historical commission, cultural commission, disabilities commission, human rights commission and status of women committee; the city architect and associated staff; the elder affairs department; the technical services department; and the office of workforce development.

SECTION 2. Notwithstanding any general or special law to the contrary, employees in the following departments and offices of the city of Worcester shall be exempt from chapter 31 of the General Laws: the purchasing department; the office of veterans' services; the capital projects division of the newly created department of public works and facilities; the public library department and the law department, city clerks department and the city auditor department. Nothing in this act shall impair the civil service status of an employee in a position governed by said chapter 31 on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

Approved August 1, 2006.

Chapter 197. AN ACT ESTABLISHING A SICK LEAVE BANK FOR PAUL F. TAYLOR, AN EMPLOYEE OF THE DIVISION OF PROFESSIONAL LICENSURE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the division of professional licensure, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the division of professional licensure shall establish a sick leave bank for Paul F. Taylor, an employee of the division. Any employee of the division may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Paul F. Taylor. When Paul F. Taylor terminates employment with the division or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved August 1, 2006.

Chapter 198. AN ACT AUTHORIZING THE LATE FILING OF A TAX ABATEMENT APPLICATION FOR THE NATIONAL PLASTICS CENTER AND MUSEUM OF LEOMINSTER.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the board of assessors of the city of Leominster shall accept applications for abatement of property tax on behalf of the National Plastics Center and Museum of Leominster for the tax year 2002. These applications shall be considered timely if filed with the assessors within 90 days after the effective date of this act. Any abatement in response to these applications shall not include payments of interest or of any costs related to the filing of the applications.

Approved August 1, 2006.

Chapter 199. AN ACT AUTHORIZING THE CONSERVATION COMMISSION OF THE CITY OF PITTSFIELD TO CONVEY A CERTAIN PARCEL OF CONSERVATION LAND FOR PUBLIC PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the conservation commission of the city of Pittsfield shall convey to the Pittsfield airport commission, on behalf of the city, a portion of the Wild Acres conservation area located along the south side of South Mountain road in the city of Pittsfield. The conservation area is shown on the city of Pittsfield assessor's map F4, block 1, lot 1 and described in the Berkshire county registry of deeds at book 810, page 164. The portion of the Wild Acres conservation area to be conveyed by the conservation commission shall consist of approximately 21 acres of land located immediately northeast of the Runway 26 end of the

Pittsfield Municipal Airport, the exact boundaries of which shall be determined by the conservation commission after completion of a survey. The purpose of this conveyance is to allow the airport commission to make necessary public safety improvements to the runway environment of the Pittsfield municipal airport, including, but not be limited to, a runway safety area, taxiway, runway extension, installation and maintenance of navigational equipment and obstruction removal and lighting.

SECTION 2. In consideration to the conservation commission for the conveyance authorized in section 1, the Pittsfield airport commission shall convey to the conservation commission certain parcels of land totaling approximately 84 acres, to be held by the conservation commission pursuant to its authority under section 8C of chapter 40 of the General Laws. These parcels of land are as shown on 3 separate plans by Foresight Land Services, Inc., entitled "Plan of Land Prepared for Pittsfield Municipal Airport" on sheet S6 (dated March 1, 2006), sheet S8 (dated April 12, 2006) and sheet S9 (dated April 19, 2006). In addition, the Pittsfield airport commission shall make, fund or reimburse the conservation commission or the city of Pittsfield for improvements to facilities at the Wild Acres conservation area, including gravel parking lots, utility installation, an education center, restrooms, an athletic field and a covered picnic pavilion as such improvements were accepted by the Pittsfield conservation commission in its vote of December 2, 2004, and at the locations appearing in figure 5-2 of the Pittsfield municipal airport final environmental assessment and final environmental impact report.

SECTION 3. No document conveying any portion of the property described in section 1 shall be valid unless the document provides that the property shall be used solely for the purposes of making the public safety improvements as described in section 1 and as accepted by the Pittsfield conservation commission in their vote of December 2, 2004. This document shall include a reversionary clause requiring that the property revert to the Pittsfield conservation commission for public conservation purposes if the property ceases to be used for the express purpose for which it was conveyed or if the improvements to facilities at the Wild Acres conservation area as described in section 2 are not made.

SECTION 4. This act shall take effect upon its passage.

Approved August 1, 2006.

Chapter 200. AN ACT RELATIVE TO THE SALE OF LAND IN THE CITY OF QUINCY BY THE MASSACHUSETTS WATER RESOURCE AUTHORITY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the Massachusetts Water Resource Authority to dispose of real property in the city of Quincy no longer needed for the waterworks system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Pursuant to subsection (d) of section 9 of chapter 372 of the acts of 1984, the Massachusetts Water Resources Authority, notwithstanding any other general or special law, ordinance or regulation to the contrary, may convey to Quincy Maritime Park, LLC, a Massachusetts limited liability company, certain parcels of land owned by the authority in the city of Quincy, consisting of approximately 4 acres in total. The parcels of land, generally located on Washington street, are part of a larger parcel commonly known as the Fore River Shipyard, and are more particularly described as parcel 14, parcel 15A, and lot 7A2 in a plan titled "Subdivision Plan of Land, Lot 7A and Parcel 15 in Quincy, Massachusetts (Norfolk County), Fore River Shipyard", dated May 24, 2004, by BSC Group and signed by James E. Peterson, registered PLS. The consideration for the conveyance shall be $2,225,006.

SECTION 2. Pursuant to subsection (d) of section 9 of chapter 372 of the acts of 1984, the Massachusetts Water Resources Authority, notwithstanding any other general or special law, ordinance or regulation to the contrary, may convey to the city of Quincy, for nominal consideration, a certain parcel of land owned by the authority in the city of Quincy, consisting of approximately 123,625 square feet. The parcel of land, generally located on South street and Cleverly court, is more particularly described as parcel 13 in a plan entitled "General Dynamics, Quincy and Braintree, Mass." (consisting of a plan index and 14 drawings numbered 150.011M to 150.151M, inclusive, but excluding 150.081M), dated October 15, 1986, and November 4, 1986, as revised, by New England Survey Service, recorded November 16, 1987 with the Norfolk county registry of deeds in plan book 361 as plan no. 1372 of 1987, sheets 1 through 15, and on file with the authority.

Approved August 1, 2006.

Chapter 201. AN ACT AUTHORIZING THE TOWN OF SHREWSBURY TO LEASE CERTAIN LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Shrewsbury, acting by and through its board of selectmen, may lease a certain parcel of town-owned land for a term not to exceed 20 years. The parcel is shown as assessor's map plate 57, lot 50. The lease shall be subject to section 16 of chapter 30B of the General Laws, except that any lease with the Shrewsbury Corporation, established by chapter 493 of the acts of 2002, shall be exempt from said section 16. Any lease authorized under this section may provide that the lessee shall be responsible for the design, development, construction and maintenance of improvements to the site as provided in the lease agreement.

SECTION 2. This act shall take effect upon its passage.

Approved August 1, 2006.

Chapter 202. AN ACT AUTHORIZING THE TOWN OF SOMERSET TO LEASE LAND AND GRANT EASEMENTS IN CERTAIN LAND.

Be it enacted, etc., as follows:

SECTION 1. (a) Notwithstanding section 3 of chapter 40 of the General Laws, or any other general or special law to the contrary, the town of Somerset, acting by and through its board of selectmen and board of water and sewer commissioners may lease and grant easements in and over portions of 2 parcels of town-owned or town-controlled land to Dominion Energy Brayton Point, LLC, for a term not to exceed 30 years, for the purpose of constructing and maintaining a pumping station, related apparatus and a pipe line to supply treated effluent from the town's wastewater treatment plant to the Brayton Point power plant to be used in part in a process for reducing emissions from the plant. The parcel to be leased is described as follows:

Beginning at a point, said point being in the southeasterly sideline of Walker street and being the westerly corner of land owned by the town of Somerset; thence

N43°36'21"E One and 44/100 (1.44) feet by said southeasterly sideline of Walker Street to a point; thence

S62°15'41"E Two hundred thirty-seven and 03/100 (237.03) feet to a point; thence

S46°45'54"E One hundred sixty and 10/100 (160.10) feet to a point; thence

N68°39'39"E One hundred fifty-six and 83/100 (156.83) feet to a point; thence

N40°47'35"E One hundred ninety-four and 58/100 (194.58) feet to a point; thence

S50°32'37"E Thirty-six and 01/100 (36.01) feet to a point; thence

S40°47'35"W Eighty-five and 00/100 (85.00) feet to a point; thence

N49°12'25"W Twenty-four and 00/100 (24.00) feet to a point; thence

S40°47'35"W One hundred thirteen and 40/100 (113.40) feet to a point; thence

S68°39'39"W One hundred sixty-three and 26/100 (163.26) feet to a point, the last nine (9) courses being by land now or formerly belonging to town of Somerset; thence

N46°23'39"W One hundred seventy-seven and 85/100 (177.85) feet to a point; thence

N61°26'55"W Two hundred twenty-seven and 46/100 (227.46) feet to the point of beginning, the last two (2) courses being by land nor or formerly belonging to Montaup Electric Company

(b) Notwithstanding section 3 of chapter 40 of the General Laws, or any other general or special law to the contrary, the town of Somerset, acting by and through its board of selectmen and board of water and sewer commissioners, may grant to Dominion Energy Brayton Point, LLC, such additional easements rights as may be necessary in and over the

following described permanent easement held by the town in and over the land of New England Power Company, formerly known as Montaup Electric Company.

Said parcel is shown on a plan entitled "Plan of Water Easement in Somerset, Mass.", drawn by Whitman & Howard, Inc., Engrs., July 31, 1959, and described in instruments recorded in the Bristol county Fall River district registry of deeds at book 988, page 351-352, and book 722, page 336.

SECTION 2. This act shall take effect upon its passage.

Approved August 1, 2006.

Chapter 203. AN ACT AUTHORIZING THE CITY OF BOSTON AND THE COMMONWEALTH TO GRANT SEWER AND DRAINAGE EASEMENTS OVER CERTAIN PARCELS OF LAND IN THE CITY OF BOSTON.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize the granting of certain easements in the city of Boston, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding sections 40E to 40N, inclusive, of chapter 7 of the General Laws, or any other general or special law to the contrary, the city of Boston may grant, for nominal consideration of $1, a permanent sewer easement in, through, and under a certain parcel of land known as Moakley Park, located in the South Boston section of the city of Boston and acquired by the city of Boston for park purposes, to the Massachusetts Water Resources Authority, for the purposes of the development, construction, installation, operation and maintenance of sewers, together with any necessary structures, facilities and appurtenances as may be needed in connection with the Long Term CSO Control Plan for North Dorchester Bay and the Reserved Channel. This easement is shown as parcel MWRA-PE-9 on a plan entitled "Article 97 Easement Plan North Dorchester Bay CSO Storage Tunnel", prepared for the Massachusetts Water Resources Authority by Bryant Associates, Inc., dated August 8, 2005 and has an area of about 37,784 square feet, or 0.8674 acres. This plan is on file with the Massachusetts Water Resources Authority and shall be recorded with the Suffolk county registry of deeds.

SECTION 2. Notwithstanding sections 40E to 40N, inclusive, of chapter 7 of the General Laws, or any other general or special law to the contrary the city of Boston may grant, for nominal consideration of $1, 2 permanent sewer easements in, through, and under a certain parcel of land known as Moakley Park, located in the South Boston section of the city of Boston and acquired by the city of Boston for park purposes, to the Boston Water and

Sewer Commission, for the purposes of the development, construction, installation, operation and maintenance of storm drains, together with any necessary structures, facilities and appurtenances as may be needed in connection with the Long Term CSO Control Plan for North Dorchester Bay and the Reserved Channel. These easements are shown as parcels BWSC-PE-10 and BWSC-PE-11 on a plan entitled "Article 97 Easement Plan North Dorchester Bay CSO Storage Tunnel", prepared for the Massachusetts Water Resources Authority by Bryant Associates, Inc., dated August 8, 2005, and having an area of about 17,419 square feet, or 0.3999 acres, and 25,311 square feet, or 0.5811 acres, respectively.

SECTION 3. Notwithstanding sections 40E to 40N, inclusive, of chapter 7 of the General Laws, or any other general or special law to the contrary, the city of Boston may grant, for nominal consideration of $1, 2 permanent sewer easements in, through, and under a certain parcel of land known as Moakley Park, located in the South Boston section of the city of Boston and acquired by the city of Boston for park purposes, to the commonwealth, through its department of conservation and recreation, for the purposes of the development, construction, installation, operation and maintenance of storm drains, together with any necessary structures, facilities and appurtenances as may be needed in connection with the Long Term CSO Control Plan for North Dorchester Bay and the Reserved Channel. These easements are shown as parcels DCR-PE-8 and DCR-PE-12 on a plan entitled "Article 97 Easement Plan North Dorchester Bay CSO Storage Tunnel", prepared for the Massachusetts Water Resources Authority by Bryant Associates, Inc., dated August 8, 2005, and having an area of about 158 square feet, or 0.0036 acres, and 2,250 square feet, or 0.0517 acres, respectively.

SECTION 4. Notwithstanding sections 40E to 40N, inclusive, of chapter 7 of the General Laws, or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, acting for and on behalf of the commonwealth, shall grant, for nominal consideration of $1, 2 permanent volumetric subsurface sewer easements in, through, and under certain parcels of land located in the South Boston section of the city of Boston, which parcels were acquired by the commonwealth through its department of conservation and recreation as part of the system of metropolitan parks placed under its control for park purposes, to the Massachusetts Water Resources Authority, for the purposes of the development, construction, installation, operation and maintenance of sewers, together with any necessary structures, facilities and appurtenances, including a combined sewer overflow storage tunnel, as may be needed in connection with the Long Term CSO Control Plan for North Dorchester Bay and the Reserved Channel. Access shall not be made to the permanent subsurface easements from the surface level except in cases of emergency as may be necessary for temporary repair and restoration to service of said sewers, structures, facilities and appurtenances in order to preserve the health and safety of persons or property. These easements are shown as parcels MWRA-PVE-4 and MWRA-PVE-6 on a plan entitled "Article 97 Easement Plan North Dorchester Bay CSO Storage Tunnel", prepared for the Massachusetts Water Resources Authority by Bryant Associates, Inc., dated August 8, 2005, and having an area of about 114,485 square feet, or 2.6282 acres, and 495,496 square feet,

or 11.3750 acres, respectively. These parcels are limited vertically from elevation = 50.0 feet to elevation = 110.0 feet, as shown on said plan. The vertical datum is Massachusetts Water Resources Authority.

SECTION 5. Notwithstanding sections 40E to 40N, inclusive, of chapter 7 of the General Laws, or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, acting for and on behalf of the commonwealth, shall grant, for nominal consideration of $1, 7 permanent sewer easements in, through, and under certain parcels of land located in the South Boston section of the city of Boston, which parcels were acquired by the commonwealth through its department of conservation and recreation as part of the system of metropolitan parks placed under its control for park purposes, to the Massachusetts Water Resources Authority, for the purposes of the development, construction, installation, operation and maintenance of sewers, together with any necessary structures, facilities and appurtenances as may be needed in connection with the Long Term CSO Control Plan for North Dorchester Bay and the Reserved Channel. These easements are shown as parcels MWRA-PE-16, MWRA-PE-17, MWRA-PE-18, MWRA-PE-19, MWRA-PE-20, MWRA-PE-21, and MWRA-PE-22 on a plan entitled "Article 97 Easement Plan North Dorchester Bay CSO Storage Tunnel" prepared for the Massachusetts Water Resources Authority by Bryant Associates, Inc., dated August 8, 2005, and having an area of about 4,154 square feet, 12,249 square feet, 4,525 square feet, 12,917 square feet, 706 square feet, 2,569 square feet and 18,368 square feet, respectively.

SECTION 6. Notwithstanding sections 40E to 40N, inclusive, of chapter 7 of the General Laws, or any other general or special law to the contrary, the commissioner of capital asset management and maintenance acting for and on behalf of the commonwealth, shall grant, for nominal consideration of $1, a permanent sewer easement in, through, and under a certain parcel of land located in the South Boston section of the city of Boston, which parcels were acquired by the commonwealth through its department of conservation and recreation as part of the system of metropolitan parks placed under its control for park purposes, to the Boston water and sewer commission, for the purposes of the development, construction, installation, operation and maintenance of storm drains, together with any necessary structures, facilities and appurtenances, as may be needed in connection with the Long Term CSO Control Plan for North Dorchester Bay and the Reserved Channel. This easement is shown as parcel BWSC-PE-14 on a plan entitled "Article 97 Easement Plan North Dorchester Bay CSO Storage Tunnel", prepared for the Massachusetts Water Resources Authority by Bryant Associates, Inc., dated August 8, 2005, and has an area of about 591 square feet, or 0.0136 acres.

SECTION 7. The Massachusetts Water Resources Authority shall be responsible for all costs associated with any recording, survey, document preparation, plan preparation or other expenses incurred by the city of Boston, the Boston water and sewer commission or the commonwealth relating to the grants authorized by this act.

Approved August 1, 2006.

Chapter 204. AN ACT PROVIDING FOR A CERTAIN EXEMPTION FROM THE SALES TAX.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for a certain exemption from the sales tax, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, for the days of August 12, 2006 and August 13, 2006, an excise shall not be imposed upon non-business sales at retail in the commonwealth of tangible personal property, as defined in section 1 of chapter 64H of the General Laws, but for the purposes of this act, tangible personal property shall not include telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals, or a single item whose price is in excess of $2,500.

SECTION 2. Notwithstanding any general or special law to the contrary, for the days of August 12, 2006 and August 13, 2006, a vendor in the commonwealth shall not add to the sales price or collect from any non-business purchaser an excise upon sales at retail of tangible personal property, as defined in section 1 of chapter 64H of the General Laws. The commissioner of revenue shall not require any vendor to collect and pay excise upon sales at retail of tangible personal property purchased on August 12, 2006 and August 13, 2006. Any excise erroneously or improperly collected during the days of August 12, 2006 and August 13, 2006 shall be remitted to the department of revenue. This section shall not apply to the sale of telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals, or any single item whose price is in excess of $2,500.

SECTION 3. Reporting requirements imposed upon vendors of tangible personal property, by law or by regulation, including, but not limited to, the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales for the days of August 12, 2006 and August 13, 2006.

SECTION 4. On or before December 31, 2006, the commissioner of revenue shall certify to the comptroller the amount of sales tax forgone, as well as new revenue raised from personal and corporate income taxes and other sources, because of this act. The commissioner shall issue a report, detailing by fund the amounts under general and special laws governing the distribution of revenues under chapter 64H of the General Laws which would have been deposited in each fund, without this act.

SECTION 5. The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary for the implementation of this act.

SECTION 6. Eligible sales at retail of tangible personal property under sections 1 and 2 are restricted to those transactions occurring on August 12, 2006 and August 13, 2006.

Transfer of possession of or payment in full for the property shall occur on 1 of those days, and prior sales or layaway sales are ineligible.

SECTION 7. Section 1 of chapter 64C of the General Laws is hereby amended by striking out the words ", smokeless tobacco, cigars and smoking tobacco", inserted by section 23 of chapter 122 of the acts of 2006, and inserting in place thereof the following words:- and smokeless tobacco.

Approved August 2, 2006.

Chapter 205. AN ACT RELATIVE TO STREAMLINING AND EXPEDITING THE PERMITTING PROCESS IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith expedite the permitting process in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2006 the sums set forth herein are hereby appropriated from the General Fund unless specifically designated otherwise herein or in said appropriation acts, for the several purposes and subject to the conditions specified herein or in said appropriation acts, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2006 provided, that the sums shall be in addition to any amounts previously appropriated and made available for the purposes of the items; and provided further, that all funds appropriated in this section shall be available for expenditure through June 30, 2007.

SECTION 2. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth herein are hereby appropriated from the General Fund unless specifically designated otherwise herein, for the several purposes and subject to the conditions specified herein, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2006 provided, that the sums shall be in addition to any amounts previously appropriated and made available for the purposes of the items; and provided further, that all funds appropriated in this section shall be available for expenditure through June 30, 2007.

EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT.

Office of the Secretary.

7002-0013 For the streamlining of state and local permitting processes; pro-

vided, that not less than $3,000,000 shall be expended for technical assistance grants as established in subsection (b) of section 3 of chapter 43D of the General Laws to be administered by the interagency permitting board; provided further that not less than $500,000 shall be expended for the creation of the Massachusetts permit regulatory office and the state permit ombudsman who will direct the interagency permitting board to conduct state permit evaluation and to overhaul state agency services for streamlined and expedited permitting; provided further, that the analysis and evaluation shall include input from the executive office of environmental affairs, the executive office of public safety, the executive office of transportation, the chairman of the commonwealth development coordinating council and the executive office of economic development; provided further, that not less than $500,000 shall be expended by the Massachusetts Development Finance Agency for permitting specialists in each of their regional offices, in consultation with the Massachusetts permit regulatory office to work with new and existing businesses to assist in their relocation and expansions permitting, licensing, and regulatory processes, to help foster job creation efforts within the municipality and region $4,000,000

SECTION 3. Section 4H of chapter 7 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following 2 paragraphs:-

The division of administrative law appeals shall prepare annually a report concerning all appeals filed with the division during the preceding calendar year. It shall be the responsibility of the chief administrative magistrate to cause a statistical list to be maintained of all matters assigned to each administrative magistrate as relating to any appeals required by law. The report shall contain, at a minimum, the following information: the number of new appeals filed and received; the names of all parties to each appeal; the type of each appeal; the date of submission and of disposition of the appeal; its disposition, whether by decision, withdrawal, settlement or dismissal, the number of appeals currently pending, the total number of simplified hearings; and the length of time from receipt of the appeal by the division of administrative law appeal until a written recommended final decision, summary decision, or other interlocutory ruling is issued, including the basis for any case at the division for longer than 6 months. Each calendar year the original of the report shall be submitted to the office of the house and senate clerk and to the house and senate committee on ways and means as well as to the director of the Massachusetts permit regulatory office in section 3H of chapter 23A.

It shall be the responsibility of the chief administrative magistrate to verify that written recommended final decisions are issued within 90 days after the record is closed.

SECTION 4. Chapter 23A of the General Laws is hereby amended by striking out section 3H, as so appearing, and inserting in place thereof the following section:—

Section 3H. The governor shall appoint the director of the Massachusetts permit regulatory office within the executive office of economic development. The director shall have experience with permitting and business development. The director shall serve as the state permit ombudsman to new and expanding businesses, to provide one-stop licensing for businesses and development in order to streamline and expedite the process of obtaining state licenses, permits, state certificates, state approvals, and other requirements of law, but not including divisions of the state secretary's office. The ombudsman shall facilitate communication between the municipality and state agencies. The Massachusetts permit regulatory office shall consult with each regional office of the Massachusetts office of business development and each regional office of the Massachusetts Development Financing Agency, in order to better serve local businesses.

There shall be a permitting specialist within each of the 5 regional offices of the Massachusetts Development Finance Agency. It shall be the responsibility of the specialist to work with new and existing businesses to assist in their selection, application, and finalizing of permits, local approvals, licensing and regulations. The specialists shall communicate with the regional planning agencies and the municipal officials responsible for local review procedures, to determine the municipal perspective on the proposed project.

The ombudsman shall file an annual report with the house and senate committees on ways and means by January 1 on the activities of the Massachusetts permit regulatory office and the interagency permitting board, including legislative recommendations on business development and expansion efforts.

SECTION 5. Said chapter 23A is hereby further amended by adding the following section:—

Section 62. There shall be an interagency permitting board within the department of economic development. The members of the board shall be comprised of the state permit ombudsman who will serve as the chair of the interagency permitting board, the secretary of economic development, the secretary of transportation, the secretary of environmental affairs, the secretary of public safety, the director of the department of housing and community development, the director of the department of business and technology, the director of the department workforce development, the director of the department of consumer affairs and business regulation, the chair of the commonwealth development coordinating council, and the executive director of the Massachusetts Development Finance Agency; or their designees. Six members shall be a quorum for the transaction of business. The chair shall communicate with municipal officials responsible for local review procedures to determine the municipal perspective on the proposed project, and to facilitate communication between the municipality and state agencies. The interagency permitting board shall consult with each regional office of the Massachusetts office of business development as well as each regional planning agency, in order to better serve local businesses. At the direction of the chair, the

board shall meet no less than 8 times a year, and shall monitor the development of priority development sites as provided for in chapter 43D and investigate ways in which to expedite priority development site projects. The board shall evaluate state agency permit procedures and recommend changes for improved efficiency. The board shall administer the technical assistance grants program established in subsection (b) of section 3 of chapter 43D of the General Laws. The secretary of economic development shall work with the chair of the interagency permitting board and senior staff members to develop a recommended format for an application form and procedure which shall be used by all executive offices when possible.

SECTION 6. Chapter 29 of the General Laws is hereby amended by inserting after section 2WWW, inserted by section 31 of chapter 123 of the acts of 2006, the following section:—

Section 2XXX. There shall be established and set upon the books of the commonwealth a separate fund to be known as the District Local Technical Assistance Fund. Amounts credited to the fund shall be administered by the bureau of municipal assistance within the department of revenue which shall determine that the funds are used for activities consistent with the purpose of this act and the Massachusetts management and accounting reporting system, so-called. The amounts shall be used solely for the administration and implementation of this section.

One hundred per cent of the monies deposited in the district local technical assistance fund, but not more than $2,800,000 in the aggregate in any fiscal year, shall be used by the department of housing and community development to provide grants to regional planning agencies for technical assistance to municipalities and to develop a state-wide permitting model. The department shall grant each regional planning district created under chapter 40B or by special act a fixed base allocation of $150,000, except that the metropolitan area planning council shall receive a base allocation of $200,000, the Martha's Vineyard commission shall receive a full annual allocation of $100,000, and the Nantucket Planning and Economic Development Commission shall receive an annual allocation of $50,000. One-half of the remainder of the annual disbursement of net cash proceeds to the department of housing and community development for technical assistance grants under this section shall be allocated among said entities based on the percentage of the commonwealth's population served by each entity, with the other half allocated based on the percentage of the commonwealth's communities served by each entity. Each regional planning agency receiving the funds shall provide matching resources of not less than 10 per cent, no more than ½ of which may be in-kind services, and shall annually file with the department of housing and community development, the house and senate committees on ways and means and constituent local governments a report detailing their expenses and program activities.

Technical assistance services funded by these grants shall be provided at the request of a municipality in any subject within regional planning expertise, including but not limited to: zoning and permitting; economic development; land use planning, conservation planning,

and water resources; municipal management; public safety planning and emergency response; transportation; data management, information technology, geographic information systems, statistical trends and modeling; and other land use and smart growth issues.

SECTION 7. Section 10A of chapter 30A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the first sentence the following 2 sentences:- In any proceeding pursuant to chapter 91, at least 5 of the 10 persons shall reside in the municipality in which the license or permitted activity is located. The intervention shall clearly and specifically state the facts and grounds for intervening and the relief sought, and each intervening person shall file an affidavit stating the intent to be part of the group and to be represented by its authorized representative.

SECTION 8. Section 9 of chapter 40A of the General Laws, as so appearing, is hereby amended by inserting after the fifteenth paragraph the following 3 paragraphs:—

In any city or town that accepts this paragraph, zoning ordinances or by-laws may provide that research and development uses, whether or not the uses are currently permitted as a matter of right, may be permitted as a permitted use in any non-residential zoning district which is not a residential, agricultural or open space district upon the issuance of a special permit provided the special permit granting authority finds that the uses do not substantially derogate from the public good.

"Research and development uses" shall include any 1 or more of investigation, development, laboratory and similar research uses and any related office and, subject to the following limitations, limited manufacturing uses and uses accessory to any of the foregoing.

"Limited manufacturing" shall, subject to the issuance of the special permit, be an allowed use, if the following requirements are satisfied: (1) the manufacturing activity is related to research uses; (2) no manufacturing activity customarily occurs within 50 feet of a residential district; and (3) substantially all manufacturing activity customarily occurs inside of buildings with any manufacturing activities customarily occurring outside of buildings subject to conditions imposed in the special permit.

SECTION 9. Section 11 of said chapter 40A, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following 3 paragraphs:—

Upon the granting of a variance or special permit, or any extension, modification or renewal thereof, the permit granting authority or special permit granting authority shall issue to the owner and to the applicant if other than the owner a copy of its decision, certified by the permit granting authority or special permit granting authority, containing the name and address of the owner, identifying the land affected, setting forth compliance with the statutory requirements for the issuance of such variance or permit and certifying that copies of the decision and all plans referred to in the decision have been filed with the planning board and city or town clerk.

No variance, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the city or town clerk that twenty days have elapsed after the decision has been filed in the office of the city or town clerk and no appeal

has been filed, or that if such appeal has been filed, that it has been dismissed or denied, or that if it is a variance which has been approved by reason of the failure of the permit granting authority or special permit granting authority to act thereon within the time prescribed, a copy of the petition for the variance accompanied by the certification of the city or town clerk stating the fact that the permit granting authority failed to act within the time prescribed, and no appeal has been filed, and that the grant of the petition resulting from such failure to act has become final, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

A special permit, or any extension, modification or renewal thereof, shall not take effect until a copy of the decision bearing the certification of the city or town clerk that 20 days have elapsed after the decision has been filed in the office of the city or town clerk and either that no appeal has been filed or the appeal has been filed within such time, or if it is a special permit which has been approved by reason of the failure of the permit granting authority or special permit granting authority to act thereon within the time prescribed, a copy of the application for the special permit-accompanied by the certification of the city or town clerk stating the fact that the permit granting authority or special permit granting authority failed to act within the time prescribed, and whether or not an appeal has been filed within that time, and that the grant of the application resulting from the failure to act has become final, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This section shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the 6 month periods provided under the second paragraph of section 6. The fee for recording or registering shall be paid by the owner or applicant.

SECTION 10. Chapter 40B of the General Laws is hereby amended by adding the following section:—

Section 30. (a) There shall be within each regional planning district created under this chapter or by special act, a technical assistance center for the delivery of coordinated, comprehensive, and continuing technical services to and among local governments for the purpose of expediting permitting.

The board of executive directors of the Massachusetts association of regional planning agencies shall develop a state-wide permitting model that municipalities may adopt. The model processes shall expedite local permitting and zoning consistent with chapter 43D.

The board shall direct each regional planning agency to conduct an evaluation of its member cities' and towns' permitting processes and to report its findings to the board. It shall be the responsibility of each regional planning agency to work under the guidance of

the board to assist in the development of a state-wide model. The board shall report to the house and senate committees on ways and means not later than November 1, 2007, on recommendations necessary to implement the state-wide model proposed to effectuate such expedited permitting.

The regional planning districts shall, at the request of a member city or town, provide the city or town services and assistance to:-

(1) reduce unnecessary delays and create certainty and predictability as well as promote an efficient and timely appeals process;

(2) create a positive regulatory culture with a bias toward making decisions;

(3) conduct on-going staff training to address applicant questions;

(4) select sites for expedited permitting, while identifying potential issues, concerns, or problem areas;

(5) prepare applications for approval of the sites;

(6) establish clear criteria for determining the completeness of permit applications;

(7) update or eliminate conflicting, cumbersome, and redundant permit processes and procedures;

(8) examine and redraft zoning by-laws to aid in the balanced development of the community; and

(9) develop plans and incentives for residential and commercial development, while taking steps to mitigate the environmental and transportation impacts of new growth.

(b) A city or town shall not be required to receive technical assistance from a regional planning agency in order to participate in the expedited permitting process, pursuant to chapter 43D.

SECTION 11. The General Laws are hereby further amended by striking out chapter 43D and inserting in place thereof the following chapter:—

CHAPTER 43D.

Expedited Permitting.

Section 1. Notwithstanding any general or special law, charter provision, by-law or ordinance to the contrary this chapter shall apply upon its acceptance by a city or town.

Section 2. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Governing body", in a city having a Plan D or Plan E charter the city manager and the city council and in any other city the mayor and city council, and in towns the board of selectmen.

"Interagency permitting board", the board, as described in section 62 of chapter 23A, established to review and approve or deny municipal priority development site proposals and to grant and administer technical assistance grants.

"Issuing authority", a local board, commission, department or other municipal entity that is responsible for issuing permits, granting approvals or otherwise involved in land use development including redevelopment of existing buildings and structures.

"Permit", a permit formal determination, order of conditions, license, certificate, authorization, registration, plan approval, zoning relief or other approval or determination with respect to the use or development of land, buildings, or structures required by any issuing authority including but not limited to those under statutory authorities contained in chapter 40A, sections 81A to 81J, inclusive, and sections 81X to 81GG, inclusive, of chapter 41, sections 40 and 40A of chapter 131, sections 26 to 32, inclusive, of chapter 111, chapter 40C, sections 13 and 14 of chapter 148, chapter 772 of the acts of 1975, or otherwise under state law or local by-law or ordinance, and all associated regulations, by-laws and rules, but not including building permits or approvals pursuant to sections 81O to 81W, inclusive, of chapter 41. "Permit" shall not include the decision of an agency to dispose of property under its management or control; predevelopment reviews conducted by the municipal office of permit coordination or a technical review team; or permits granted by the Massachusetts Water Resources Authority.

"Priority development site", a privately or publicly owned property that is: (1) commercially or industrially zoned; (2) eligible under applicable zoning provisions, including special permits or other discretionary permits, for the development or redevelopment of a building at least 50,000 square feet of gross floor area in new or existing buildings or structures; and (3) designated as a priority development site by the board. Several parcels or projects may be included within a single priority development site. Wherever possible, priority development sites should be located adjacent to areas of existing development or in under utilized buildings or facilities, or close to appropriate transit services.

"Secretary", the secretary of the executive office of economic development.

"Technical review team", an informal working group consisting of representatives of the various issuing authorities designed by the head of their issuing authority to review requests submitted under this chapter. The technical review team shall not include members of the zoning board of appeals.

Section 3. (a) For a property to receive a designation as a priority development site, the governing body, after approval by a town meeting in a town, shall file a formal proposal with the board. The proposal shall include: (1) a detailed description of the property; (2) good faith commitment to comply with this chapter; (3) written authorization of the property owner; and (4) at the discretion of the governing body, a request for a technical assistance grant.

(b) All requests for a technical assistance grant shall include a detailed description of how the grant will be used and shall be submitted with the formal proposal as described in subsection (a). The grants shall be used to implement the requirements of this chapter, which shall include but not be limited to, professional staffing assistance, local government reorganization, and consulting services. The amount of any single grant awarded from the fund, shall not exceed $150,000. The board shall review and determine eligibility of the proposals and approve requests within 60 days of receipt of the proposals. In special circumstances where a specific and originally unforeseen need can be demonstrated, the governing body may be eligible for an additional technical assistance grant if approved by

the board and the secretary.

Section 4. Within 120 days of the acceptance of this chapter the governing body shall implement the following: (a) appoint a single point of contact to serve as the primary municipal liaison for all issues relating to this chapter; (b) amend rules and regulations on permit issuance to conform to this chapter; (c) along with the issuing authority, collect and ensure the availability of all governing statutes, local ordinances, by-laws, regulations, procedures and protocols pertaining to each permit; (d) establish a procedure whereby the governing body shall determine all permits, reviews and predevelopment reviews required for a project; all required scoping sessions, public comment periods and public hearings; and all additional specific applications and supplemental information required for review, including, where applicable, the identification of potential conflicts of jurisdiction or substantive standards with abutting municipalities and a procedure for notifying the applicant; and (e) establish a procedure, following the notification of the required submissions for review as set forth in clause (d), for determining if all the materials required for the review of the project have been completed.

Section 5. (a) Priority development permit reviews and final decisions shall be completed within 180 days subject to the extension herein. The time period shall begin the day after the issuance of the notice that the application materials are complete pursuant to clause (e) of section 4. The governing body shall notify the applicant in writing within 20 business days from receipt of the completed form of additional information needed or requirements that it may have. The governing body may provide for pre-application conferences to facilitate this process.

(b) The resubmission of the application or the submission of such additional information required by the governing body shall commence a new 30-day period for review of the additional information.

(c) If, at any time, an issuing authority determines that a permit or other predevelopment review is required which it did not previously identify, it shall immediately notify the applicant by certified mail and shall where public notice and comment or hearings are not required complete action on the application filed for the previously unidentified permit within 30 days of receipt of the completed application or not later than the latest required decision date for a pending permit, whichever is later. Where public notice and comment or hearing are required for the previously unidentified permit, the required action date shall be not later than 30 days from the later of the close of the hearing or comment period, which shall be scheduled to commence as quickly as publication allows. The failure of the governing body to notify an applicant of the requirement of a public hearing or comment period shall not constitute a waiver of the requirement.

Section 6. (a) In accordance with this chapter, the governing body may establish an informal procedure to allow permit applicants to obtain advisory review by a technical review team of any issue of law, policy, procedure, or classification that the applicant claims is in dispute between the applicant and the issuing authority which has affected or will affect the ability of the applicant to obtain timely review of the permit application. The procedures

shall provide for filing a request for review by the applicant, representation by the issuing authority on the technical review team, and a period not to exceed 30 days for issuance of a decision. Use of this procedure shall toll the review time periods. An advisory determination or ruling made pursuant to a procedure established in this section shall not constitute a decision or final action and shall not be subject to any right of administrative or judicial review.

(b) The governing body may establish an additional and separate fee, in addition to any fees that may be assessed by an issuing authority in order to carry out its duties under this chapter, and may deposit the fees in a special account to be maintained by the treasurer. The special account, including any accrued interest shall be expended at the direction of the governing body, without further appropriation; but, the funds shall be expended only in carrying out its responsibilities under this chapter.

Section 7. Failure by any issuing authority to take final action on a permit or approval within the 180-day period or extended time, if applicable, shall be considered a grant of the relief requested of that authority. In that event, within 14 days after the date of expiration of the time period, the applicant shall file an affidavit with the city or town clerk, attaching the application, setting forth the facts giving rise to the grant and stating that notice of the grant has been mailed, by certified mail, to all parties to the proceedings and all persons entitled to notice of hearing in connection with the application.

Section 8. The grant shall not occur where: (1) the governing body has made a timely determination that the application is not complete in accordance with its requirements and notified the applicant as set forth herein and the applicant has not made a timely response to complete the application; (2) the governing body has determined that the final application contained false or misleading information; or (3) the governing body has determined that substantial changes to the project affect the information required to process the permit application have occurred since the filing of the application.

Section 9. The 180 day time period may be waived or extended for good cause upon written request of the applicant with the consent of the governing body or upon written request of the issuing authority with the consent of the applicant. The 180-day period may be extended for up to 30 days by the governing body in the event an additional permit or other predevelopment review is required in accordance with subsection (c) of section 5, if the requirement for the previously unidentified permit or review has been determined no less than 150 days after the issuance of the notice of completeness. The 180 day time period shall be extended when the issuing authority determines either: (1) that action by another federal, state or municipal government agency is required before the issuing authority may act; (2) that judicial proceedings affect the ability of the issuing authority or applicant to proceed with the application; or (3) that enforcement proceedings that could result in revocation of an existing permit for that facility or activity and denial of the application have been commenced. In those circumstances, the issuing authority shall provide written notification to the secretary. When the reason for the extension is no longer applicable, the issuing authority shall immediately notify the applicant, and shall complete its decision within the

time period specified in this section, beginning the day after the notice is issued. An issuing authority may not use lack of time for review as a basis for denial of a permit if the applicant has provided a complete application and met all other obligations in accordance with this chapter. If the Martha's Vineyard commission as described in chapter 831 of the acts of 1977, or the Cape Cod commission, as described in chapter 716 of the acts of 1989, require or allow referral of a permit application, the 180-day time period as described in this chapter shall be suspended upon receipt of the permit application. The 180-day time period shall recommence at the completion of the regional commission's review; but if either commission denies a regional permit on a priority development site, section 7 shall not apply and the issuing authority, upon receipt of the denial notice, shall permanently cease the 180 day time period.

Section 10. (a) Appeals from issuing authority decisions or from a grant by operation of law shall be filed within 20 days after the last individual permitting decision has been rendered or within 20 days after the conclusion of the 180 day period as set forth in subsection (a) of section 5, whichever is later. The 180 day period shall be increased by the number of days in any extension granted under this chapter.

(b) A person aggrieved by a final decision of any issuing authority, or by the failure of that authority to take final action concerning the application within the time specified, whether or not previously a party to the proceeding, or any governmental officer, board, or agency, may appeal to the division of administrative law appeals by bringing an action within 20 days after a written decision was or should have been rendered. Appeals from decisions of multiple permitting authorities shall be filed simultaneously and shall be consolidated for purposes of hearing and decision. This section shall not apply to appeals pursuant to sections 40 and 40A of chapter 131, which shall continue to be appealed in accordance with said chapter 131, chapter 30A and applicable regulations.

(c) When hearing appeals under this chapter, the division shall revise its rules, procedures and regulations to the extent necessary to accord with the requirements of this chapter.

(d) The division shall render a final written decision within 90 days of the receipt of the appeal. Thereafter, an aggrieved party may appeal to the superior court department by bringing an action within 20 days after the division has rendered a final decision.

Section 11. (a) Permits shall not transfer automatically to successors in title, unless the permit expressly allows the transfer without the approval of the issuing authority.

(b) Issuing authorities having substantive jurisdiction over permit issuance may develop procedures for simplified permit renewals and annual reporting requirements. If the procedures are not developed, renewals of permits shall be governed by the same procedures and timelines as specified in conjunction with this chapter.

(c) Issuing authorities shall make reasonable effort to review permit modification requests within as short a period as is feasible to maintain the integrity of the expedited permitting process. An issuing authority shall inform an applicant within 20 business days

of receipt of a request whether the modification is approved, denied, determined to be substantial or additional information is required by the issuing authority in order to issue a decision. If additional information is required, the issuing authority shall inform an applicant within 20 business days after receipt of the required additional information whether the modification is approved or denied or that additional information is still required by the issuing authority in order to render a decision. In cases in which the issuing authority determines that a requested modification is substantial, the original review period for permit categories as set forth in section 5 shall apply.

(d) Permits issued pursuant to this chapter shall expire 5 years from the date of the expiration of the applicable appeal period unless exercised sooner. Where permits cover multiple buildings, commencement and continuation of construction of 1 building shall preserve the permit validity. Changes in the law subsequent to the issuance of permits based upon the priority proposal shall not invalidate the permits or review certificates. Nothing in this section shall limit the effectiveness of section 6 of chapter 40A.

Section 12. A priority development site shall be eligible for the following:-

(a) priority consideration for community development action grants, and public works economic development grants;

(b) priority consideration for other state resources such as quasi-public financing and training programs;

(c) brownfields remediation assistance;

(d) enhanced marketing by the Massachusetts office of business development, and the Massachusetts alliance for economic development; and

(e) technical assistance provided by the regional planning council.

Section 13. (a) Technical assistance funding is intended to be a one-time grant to municipality, if the municipality has adopted expedited permitting as provided in sections 3 to 11, inclusive.

(b) A municipality shall be eligible for technical assistance funding, which may be less than the previous amounts awarded, for a second time if it has identified and successfully permitted one priority development site.

Section 14. Any required reviews established under sections 61 to 62H, inclusive, of chapter 30 or sections 26 to 27C, inclusive, of chapter 9 shall conclude within 120 days of a state determination of completeness of required review materials, as established by the executive office of environmental affairs in consultation with the state secretary. The secretary of environmental affairs and the state secretary shall establish time frames for all required filings and additional filings by the applicant in order to comply with this section. In the event an applicant fails to comply with all relevant time frames, the time shall be tolled until the applicant files the required documents.

Section 15. Nothing in this chapter shall be construed to alter the substantive jurisdictional authority of issuing authorities.

Section 16. The secretary shall promulgate rules and regulations to implement this chapter.

SECTION 12. Section 21 of chapter 81 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:-

The commissioner of highways shall adopt regulations to effectuate the purposes of this section.

SECTION 13. Section 32 of chapter 184 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Such conservation, preservation, agricultural preservation, watershed preservation and affordable housing restrictions are interests in land and may be acquired by any governmental body or such charitable corporation or trust which has power to acquire interest in the land, in the same manner as it may acquire other interests in land. The restriction may be enforced by injunction or other proceeding, and shall entitle representatives of the holder to enter the land in a reasonable manner and at reasonable times to assure compliance. If the court in any judicial enforcement proceeding, or the decision maker in any arbitration or other alternative dispute resolution enforcement proceeding, finds there has been a violation of the restriction or of any other restriction described in clause (c) of section 26 then, in addition to any other relief ordered, the petitioner bringing the action or proceeding may be awarded reasonable attorneys' fees and costs incurred in the action proceeding. The restriction may be released, in whole or in part, by the holder for consideration, if any, as the holder may determine, in the same manner as the holder may dispose of land or other interests in land, but only after a public hearing upon reasonable public notice, by the governmental body holding the restriction or if held by a charitable corporation or trust, by the mayor, or in cities having a city manager the city manager, the city council of the city or the selectmen of the town, whose approval shall be required, and in case of a restriction requiring approval by the secretary of environmental affairs, the Massachusetts historical commission, the director of the division of water supply protection of the department of conservation and recreation, the commissioner of food and agriculture, or the director of housing and community development, only with like approval of the release.

SECTION 14. Section 1 of chapter 185 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The court shall hold its sittings in the cities of Boston, Fall River, and Worcester, but may adjourn from time to time to such other places as public convenience may require. In Suffolk county, the city council of the city of Boston shall provide suitable rooms for the sittings of said court in the same building with, or convenient to, the probate court or the registry of deeds. In Fall River and Worcester, and other counties, the chief justice of administration and management shall make court rooms, clerk facilities, and other trial facilities available to the land court. On or before February 1, 2007, the chief justice of the land court department shall establish procedures for holding regular sessions of the land court

in Fall River and Worcester for the consideration of cases arising from central, western, and southeastern Massachusetts, as the caseload requires but not less than once per quarter.

SECTION 15. Said chapter 185 is hereby further amended by inserting after section 3 the following section:-

Section 3A. There shall be established a separate session of the land court department, which shall be known as the permit session of the land court department.

Sessions of the permit session shall be held in Suffolk, Middlesex, Essex, Norfolk, Plymouth, Worcester and Hampden counties, and other counties as the chief justice of the land court department shall from time to time designate.

The permit session shall have original jurisdiction, concurrently with the superior court department, over civil actions in whole or part: (a) based on or arising out of the appeal of any municipal, regional or state permit, order, certificate or approval, or the denial thereof, concerning the use or development of real property, including without limitation appeals of such permits, orders, certificates or approvals, or denials thereof, arising under or based on or relating to chapter 21, sections 61 to 62H, inclusive, of chapter 30, chapters 30A, 40A to 40C, inclusive, 40R, 41, 43D, 91, 131, 131A, or sections 4 and 5 of chapter 249, or chapter 665 of the acts of 1956; or any local bylaw or ordinance; (b) seeking equitable or declaratory relief (i) designed to secure or protect the issuance of any municipal, regional or state permit or approval concerning the use or development of real property or (ii) challenging the interpretation or application of any municipal, regional or state rules, regulations, statutes, laws, bylaws, ordinances concerning any permit or approval; (c) claims under section 6F of chapter 231, or for malicious prosecution, abuse of process, intentional or negligent interference with advantageous relations or intentional or negligent interference with contractual relations arising out of or based upon or relating to the appeal of any municipal, regional, state permit or approval concerning the use or development of real property; and (d) any other claims between persons holding any right, title or interest in land and any municipal, regional or state board, authority, commission or public official based on or arising out of any action taken with respect to any permit or approval concerning the use or development of real property but in all such cases of claims (a) to (d), inclusive, only if the underlying project or development involves either 25 or more dwelling units or the construction or alteration of 25,000 square feet or more of gross floor area or both.

Notwithstanding any other general or special law to the contrary, any action not commenced in the permit session, but within the jurisdiction of the permit session as provided in this section, may be transferred to the permit session, upon motion by any party to the chief justice for administration and management. There shall be a presumption against more than one transfer of a case between any departments of the trial court. If a party to an action commenced in or transferred to the permit session claims a valid right to a jury trial. Then the action shall be transferred to the superior court for a jury trial.

Each case filed in the permit session shall be assigned to a single judge from the commencement to the conclusion of the case. The judge assigned to the case will hold all hearings and preside at the trial, except in the case of death, disability, expiration of judicial

appointment to the permit session or emergency.

At the time of filing, all cases in the permit session shall be assigned to 1 of the following tracks: 12 months to trial, Average or "A" Track; 9 months to trial, Fast or "F" Track; or 6 months to trial, Accelerated or "X" Track. Particular classes of cases shall be assigned to each of these tracks in accordance with rules established by the chief justice of the land court department. On motion by a party or the court's own motion, where an exceptional cause is shown, cases may be reassigned to a different track or tracking order dates may be extended or modified.

The chief justice of the land court shall report to the chief justice for administration and management, the clerks of the house and senate, and the chairs of the judiciary committee of the general court on an annual basis, with: (1) the number of cases handled under this session; (2) the timelines achieved in cases pursuant to this session; (3) any additional resources required by the land court to meet its goals for this session; and (4) the number of cases before the land court according to the county from which they originate. To the extent that the chief justice of the land court does not have sufficient resources to maintain the timeframes mentioned above, then the chief justice for administration and management shall assign judges with land use and environmental expertise from other departments of the trial court to sit as justices of the permit session. In making such appointments, the chief justice for administration shall make reasonable efforts to select justices who, by reason of their past experience in private practice or practice with public agencies or as jurists have particular skills related to environmental and land use permitting and disputes concerning the same.

The final disposition of cases in the permit session by the court by dismissal, judgment or otherwise shall be in accordance with the following timeframes which shall commence on the filing of the trial transcript with the court or in the case of a summary judgment motion, from the date the motion is taken under advisement: A Track in 4 months, F Track in 3 months and X Track in 2 months.

The chief justice of the land court department shall establish a procedure for the assignment to mediation of disputes that have been filed with or transferred to the permit session, and shall promulgate rules, subject to the approval of the chief justice for administration and management, that promote the expeditious resolution of the disputes within the time periods provided in this chapter. The mediators shall be persons who by reason of their past experience in private practice or practice with public agencies, or as jurists have particular skills related to environmental and land use permitting and/or disputes concerning the same. The chief justice of the land court department may approve qualified providers of mediation services. The mediator shall have the protections provided under section 23C of chapter 233, and to the extent that public agencies are participants in the mediation, their deliberations shall not be subject to the provisions of section 23B of chapter 39.

SECTION 16. Section 2 of chapter 211B of the General Laws, as appearing in the

2004 Official Edition, is hereby amended by striking out, in line 2, the figure "6" and inserting in place thereof the following figure:— 7.

SECTION 17. Chapter 45 of the acts of 2005 is hereby amended by striking out item 1110-1000 and inserting in place thereof the following item:-

1110-1000 For the operation of the division of administrative law appeals established by section 4H of chapter 7 of the General Laws; provided, that said division shall maintain, to the fullest extent practicable, a complete physical and technological separation from any agency, department, board, commission or program whose decisions, determinations or actions may be appealed to it; provided further, that every decision issued by a commissioner or other head of agency, or designee, following the issuance of a recommended decision by an administrative law judge of the division, shall be an agency decision subject to judicial review pursuant to chapter 30A of the General Laws; and provided further, that not less than $250,000 shall be expended for the processing and adjudication of all pending and newly-filed department of environmental protection appeals $1,352,144

SECTION 18. Said chapter 45 is hereby further amended by striking out item 7007-0515 and inserting in place thereof the following item:-

7007-0515 For economic development grants to be administered by the department of business and technology; provided, that not less than $150,000 be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce; provided further, that not less than $200,000 shall be expended on the operation of the Massachusetts Fisheries Recovery Commission, not less than $60,000 of which shall be expended for the purposes of a socio-economic study and analysis of the commonwealth's fishing industry; provided further, that not less than $250,000 shall be expended for a grant to the South Shore Tri-Town Development Corporation established in chapter 301 of the acts of 1998; provided further, that $350,000 shall be expended for a grant to the Massachusetts Alliance for Economic Development for the purpose of enhancing economic development related services, including but not limited to implementation of a statewide online site finder to assist business growth; and provided further, that not less than $500,000 shall be expended for the Massachusetts Alliance for Economic Development to manage and market an online inventory of priority develop-

ment properties and other development sites as established in chapter 43D of the General Laws $1,510,000

SECTION 19. The state comptroller shall transfer $1,850,000 from the general fund to the District Local Technical Assistance Fund established pursuant to section 2XXX of chapter 29 of the General Laws.

The fund shall be a separate and expendable trust fund administered by the division of local services within the department of revenue. There shall be credited to the fund, revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund and investment income earned on the fund's assets, and all other sources. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund, and shall be allocated to the regional planning agencies the following fiscal year pursuant to the formula established in said section 2XXX of said chapter 29.

SECTION 20. The secretary of environmental affairs shall report to the house and senate clerk of the general court on January 1, 2009 and January 1, 2012 with respect to the state-wide environmental justice program adopted by the secretary of environmental affairs. The report shall address the scope and effectiveness of the existing environmental justice program in the commonwealth, and shall identify and discuss the problems and deficiencies of the program as well as its accomplishments. The report shall identify the resources devoted to administration of the environmental justice program and its organizational structure. The report shall address the methodologies used to identify environmental justice communities and the process used to assure meaningful participation of environmental justice communities in the environmental review of projects that have a significant potential to impose disproportionate environmental burdens on such communities. The report shall assess whether enhanced environmental justice review has resulted in environmental benefits for environmental justice communities and whether such enhanced environmental review may have resulted in unintended adverse consequences in some cases. The report shall also consider the likely effects of this act on environmental justice concerns.

SECTION 21. Section 9 shall apply to all special permits issued after the effective date of this act.

SECTION 22. Notwithstanding any general or special law to the contrary, section 13 shall apply to all enforcement actions commenced after its effective date relative to applicable restrictions granted before, on and after that date.

SECTION 23. The department of environmental protection shall adopt rules and regulations as necessary to be consistent with section 10A of chapter 30A of the General Laws on or before January 1, 2007.

SECTION 24. The commissioner of highways shall adopt the regulations required by section 12 on or before July 1, 2007.

Approved August 2, 2006.

Chapter 206. AN ACT AUTHORIZING THE TOWN OF PALMER TO GRANT 4 ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Palmer may grant 4 additional licenses for the sale of all alcoholic beverages to be drunk on the premises of businesses located at the corridor from the Massachusetts Turnpike exit 8 to the Shearer street intersection of state highway route 32, approximately one- half mile in length, of said town under section 12 of said chapter 138. The licenses shall not be transferable off the premises and shall be subject to all of said chapter 138 except said section 17.

SECTION 2. This act shall take effect upon its passage.

Approved August 2, 2006.

Chapter 207. AN ACT AUTHORIZING THE TOWN OF SOUTHBRIDGE TO GRANT ADDITIONAL LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Southbridge may grant to Peking Chef, Inc. d/b/a Peking Chef Restaurant, located at 344 Main street in the town of Southbridge, a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138. The license shall be subject to all of said chapter 138, except said section 17. The licensing authority shall not approve the transfer of the license to any other person, organization, corporation or location.

SECTION 2. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Southbridge may grant to Royal Oaks Country Club, Inc., located at 381 Country lane in the town of Southbridge, a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138. The license shall be subject to all of said chapter 138, except said section 17. The licensing authority shall not approve the transfer of the license to any other person, organization, corporation or location.

SECTION 3. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Southbridge may grant to Peter Desforges d/b/a 858 Main street, located at 858 Main street in the town of Southbridge, a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138. The

license shall be subject to all of said chapter 138, except said section 17. The licensing authority shall not approve the transfer of the license to any other person, organization, corporation or location.

SECTION 4. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Southbridge may grant to Da Wong, Inc. d/b/a Empire Buffet, located at 846 Main street in the town of Southbridge, a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138. The license shall be subject to all of said chapter 138, except said section 17. The licensing authority shall not approve the transfer of the license to any other person, organization, corporation or location.

SECTION 5. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Southbridge may grant to Mill Street Brews, Inc., located at 18 Mill street in the town of Southbridge, a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138. The license shall be subject to all of said chapter 138, except said section 17. The licensing authority shall not approve the transfer of the license to any other person, organization, corporation or location.

SECTION 6. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Southbridge may grant to Bouakheua Phomphithak d/b/a Thai House Restaurant, located at 177 Elm street in the town of Southbridge, a license for the sale of wines and malt beverages to be drunk on the premises under section 12 of said chapter 138. The license shall be subject to all of said chapter 138, except said section 17. The licensing authority shall not approve the transfer of the license to any other person, organization, corporation or location.

SECTION 7. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Southbridge may grant to Reynaldo Navarro d/b/a Family Market, located at 351 Hamilton street in the town of Southbridge, a license for the sale of wines and malt beverages not to be drunk on the premises under section 15 of said chapter 138. The license shall be subject to all of said chapter 138, except said section 17. The licensing authority shall not approve the transfer of the license to any other person, organization, corporation or location.

SECTION 8. The licensing authority of the town of Southbridge may grant 2 additional licenses, 1 of which shall be for the sale of wines and malt beverages not to be drunk on the premises under section 15 of chapter 138 of the General Laws and 1 of which shall be for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138. The licenses shall be restricted to the area designated as the economic target area within the town of Southbridge and shall become inoperative within 1 year after the effective date of this act unless the local licensing authority, with prior approval from the alcoholic beverages control commission, grants the licenses for premises in existence at the time the licenses are granted. The licenses shall be subject to all of said chapter 138, except said section 17. The licensing authority shall not approve the transfer of the licenses to any other persons, organizations, corporations or locations.

Approved August 2, 2006.

Chapter 208. AN ACT AUTHORIZING THE TOWN OF DEDHAM TO GRANT ADDITIONAL ALCOHOLIC BEVERAGES LICENSES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Dedham may grant to Red Hot, Inc., d/b/a Isabellas for a location in Dedham square, a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138. Upon receipt of the license, Red Hot, Inc. shall return to the licensing authority its current license for the sale of wines and malt beverages to be drunk on the premises. The license shall be subject to all of said chapter 138, except said section 17.

SECTION 2. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Dedham may grant 7 licenses for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138. The licenses shall be subject to all of said chapter 138, except said section 17.

SECTION 3. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Dedham may grant a license for the sale of wines and malt beverages to be drunk on the premises under section 12 of said chapter 138. The licenses shall be subject to all of said chapter 138, except said section 17.

SECTION 4. The licensing authority shall restrict the licenses granted under sections 2 and 3 to entities located in a development to be known as Legacy Place. Licenses issued pursuant to this act shall be nontransferable to any other locations, persons, corporations or organizations.

SECTION 5. Notwithstanding sections 12 and 77 of chapter 138 of the General Laws, the board of selectmen of the town of Dedham may restrict the licenses issued pursuant to this act to holders of common victualler licenses.

SECTION 6. The additional licenses authorized by this act shall be subject to an original application fee of $5,000 more than the annual fee for existing all alcoholic beverages licenses or wines and malt beverages licenses, as applicable, in the town of Dedham. The additional $5,000 fee shall be deposited into an economic development account in the town of Dedham and expended consistently with the purposes of such account.

SECTION 7. The licenses granted under this act if revoked or no longer in use, may be granted by the licensing authority to new applicants who meet the criteria of this act.

SECTION 8. This act shall take effect upon its passage.

Approved August 2, 2006.

Chapter 209. AN ACT RELATIVE TO THE USE OF THE NAME OF FINANCIAL INSTITUTIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 37 of chapter 167 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the first paragraph the following 5 paragraphs:-

Notwithstanding any general or special law to the contrary, a person, domestic or foreign corporation, partnership, association, limited liability company or similar entity shall not use the name, trade name or trademark of any bank, federal bank, federal branch, foreign bank, out-of-state bank or out-of-state branch or out-of-state federal bank, as defined in section 1, or any federal credit union as defined in section 1 of chapter 171, or any subsidiary thereof, in any written or oral advertisement or solicitation for products or services, without the express written consent of the financial institution. For the purposes of this section, the word "advertisement" or "solicitation" shall mean an email, direct mail solicitation, or oral solicitation to a specifically identified consumer or which contains specific information on the account or loan of a specifically identified consumer.

A person, domestic or foreign corporation, partnership, association, limited liability company or similar entity shall not make reference to an existing bank, federal bank, federal branch, foreign bank, out-of-state bank, out-of-state branch, out-of-state federal bank as defined in section 1 of this chapter, or federal credit union as defined in section 1 of chapter 171, or any subsidiary thereof, without the express written consent of the bank, federal bank, federal branch, foreign bank, out-of-state bank, out-of-state branch, out-of-state federal bank or federal credit union, or any subsidiary thereof, or make reference to a loan number, loan amount or other specific loan information on the outside of an envelope, visible through the envelope window, or on a postcard in connection with any written solicitation or an email for products or services to a specifically identified consumer.

A person, domestic or foreign corporation, partnership, association, limited liability company, or similar entity shall not include a loan number, loan amount or other specific loan information relative to a specifically identified consumer that is publicly available in a written or oral solicitation for the purchase of products or services unless the solicitation clearly and conspicuously states in bold-face type on the front page of the correspondence that the person, domestic or foreign corporation, partnership, association, limited liability company or similar entity is not sponsored by or affiliated with and that the solicitation is not authorized by the bank, federal bank, federal branch, foreign bank, out-of-state bank, out-of-state branch, out-of-state federal bank as defined in section 1, or federal credit union as defined in section 1 of chapter 171, or any subsidiary thereof. The statement shall include the name, address and the telephone number of the person making the solicitation and that any loan information referenced was not provided by the bank, federal bank, federal branch, foreign bank, out-of-state bank, out-of-state branch, out-of-state federal bank or federal credit union, or any subsidiary thereof. The statements required in this paragraph shall also be given at the time of any oral solicitation to a specifically identified consumer.

A person, domestic or foreign corporation, partnership, association, limited liability

company, association or similar entity, which is considered to have violated this section, shall be considered to have engaged in an unfair and deceptive practice and shall be a violation of chapter 93A.

A bank, federal bank, federal branch, foreign bank, out-of-state bank or out-of-state branch, or out-of-state federal bank, as defined in section 1, and any federal credit union as defined in section 1 of chapter 171, or any subsidiary thereof, that has had its name, trade name, or trademark used in violation of this section may in addition to any other remedy provided by law, bring an action in the superior court in which venue the financial institution has an office to enjoin an act in violation of this section and recover damages. The court shall award damages in the amount of actual damages or $10,000 per violation, whichever is greater. In any successful action for injunctive relief or for damages, the court shall award the financial institution or its subsidiary, attorney's fees and costs, including court costs.

SECTION 2. Section 37A of said chapter 167, as so appearing, is hereby amended by inserting after the word "association", in lines 2 and 3, the following words:- he or his examiners believe is violating the preceding section or who is.

Approved August 2, 2006.

Chapter 210. AN ACT AUTHORIZING THE UNIVERSITY OF MASSACHUSETTS TO CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF BOSTON TO THE UNITED STATES OF AMERICA ACTING BY AND THROUGH THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the conveyance of certain real property in the city of Boston, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 40F and section 40F½ of chapter 7 of the General Laws, or any other general or special law or rule or regulation to the contrary, the board of trustees of the University of Massachusetts, or any officer designated by the board, for itself and on behalf of the commonwealth, may convey, with conditions, to the United States of America, acting by and through the National Archives and Records Administration a certain parcel of vacant land in the city of Boston, Suffolk County, Massachusetts, as shown as parcel B-3 on a plan entitled, "Plan of Land, Boston, Massachusetts, Prepared for: The Commonwealth of Massachusetts", prepared by Judith Nitsch Engineering, Inc., dated April 20, 2006, and being more particularly described as follows:

Beginning at a point at the most northeasterly portion of said herein described parcel

at land of the United States of America, thence running S21°-27'-34"W, by land of the United States of America, a distance of 394.31 feet to a point;

Thence N50°-07'-44"W, by Parcel B-2 as shown on said plan, a distance of 246.60 feet to a point at remaining lands of the Commonwealth of Massachusetts;

Thence N39°-51'-39"E, by said remaining lands, a distance of 333.47 feet to a point;

Thence S68°-32'-24"E, a distance of 128.71 feet to the point of beginning;

Containing 66,495 square feet of land, more or less, and being subject to easements and restrictions of record, so long as the same do not materially interfere with the use of said land by the United States of America acting by and through the National Records and Archives Administration.

The grantor's title for this parcel is recorded in a deed filed in book 8343, page 694 at the Suffolk county registry of deeds.

SECTION 2. (a) The consideration for the conveyance authorized by section 1 shall be the full and fair market value of the property based upon an independent professional appraisal. The inspector general shall review the appraisal. Nothing in this act shall prevent a submission of an appraisal conducted in the 2 years before the effective date of this act from being submitted to the inspector general for his review and comment. The inspector general shall prepare a report of his review of the methodology used for the appraisal and file the report with the house and senate committees on ways and means and the chairmen of the joint committee on bonding, capital expenditures and state assets in accordance with this act.

(b) The university shall, 30 days before the execution of any agreement authorized by this act, or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment.

The inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. The university shall submit the agreement and any subsequent amendments thereof, the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on bonding, capital expenditures and state assets at least 15 days before execution.

SECTION 3. The proceeds of the conveyance shall be deposited in a trust fund established by the board of trustees of the University of Massachusetts and may be used for endowment purposes and managed as such. The proceeds shall be used to benefit university programs of study, including, but not limited to, the establishment of academic chairs and research programs.

SECTION 4. The United States of America, acting by and through the National Archives and Records Administration, shall pay for all costs of the appraisal, survey and deed preparation for the conveyance of the property authorized by section 1.

SECTION 5. The property described in section 1 shall be used by the United States of America, acting by and through the National Archives and Records Administration, in connection with an addition to the John F. Kennedy Library.

Approved August 2, 2006.

Chapter 211. AN ACT RELATIVE TO CHOICE OF LONG-TERM CARE.

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 118E of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 14 to 18, inclusive, the words "provided, further, that said benefits shall be available to otherwise eligible persons seeking admission to and residents of long-term care facilities whose income and resources are insufficient to meet the cost of their medical care as determined by the financial eligibility requirements of the program" and inserting in place thereof the following words:- provided further, that long-term care services shall be available to otherwise eligible persons whose income and resources are insufficient to meet the costs of their medical care as determined by the financial eligibility requirements of the program. For the purposes of this section, the division shall establish clinical eligibility for a long-term care services. A person determined by the division to be clinically eligible for long-term care services shall be given the choice of care setting that is the least restrictive and most appropriate to meet his needs as determined by the division. The value of such long-term care services shall be determined based on the medically necessary long-term care needs of the individual.

SECTION 2. Said section 9 of said chapter 118E, as so appearing, is hereby further amended by adding the following paragraph:-

A person seeking admission to a long-term care facility paid for by MassHealth shall receive pre-admission counseling for long-term care services, which shall include an assessment of community-based service options. A person seeking care in a long-term care facility on a private pay basis shall be offered pre-admission counseling. For the purposes of this section, pre-admission counseling shall be conducted by the executive office of health and human services or the executive office of elder affairs or their subcontractors. The executive office of elder affairs shall, in consultation with the office of acute and ambulatory care in the executive office of health and human services, study the advisability and feasibility of using certain Medicaid providers to provide pre-admission counseling. The division shall report to the general court on an annual basis the number of individuals who received pre-admission counseling under this section and the number of diversions to the community generated by the pre-admission counseling program.

SECTION 3. The division of medical assistance shall adopt regulations to implement section 1 and shall submit a research and demonstration waiver pursuant to section 1115(a) of the Social Security Act not later than October 1, 2006 to implement said section 1. The waiver shall establish an income eligibility up to 300 per cent of the federal benefit rate under the supplemental security income program and an asset test of not less than $10,000. The waiver shall be subject to the availability of federal financial participation for all enrollees and shall meet budget neutrality requirements established for such waivers.

Approved August 3, 2006.

Chapter 212. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF FRANKLIN AS THE LANCE CORPORAL SHAYNE CABINO BRIDGE.

Be it enacted, etc., as follows:

The newly constructed bridge on state highway route 140 on West Central street in the town of Franklin, shall be designated and known as the Lance Corporal Shayne Cabino Bridge, in memory of Lance Corporal Shayne Cabino who sacrificed his life in Iraq.

The department of highways shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department.

Approved August 4, 2006.

Chapter 213. AN ACT ESTABLISHING A SICK LEAVE BANK FOR KAREN KILROY, AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of correction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the department of correction shall establish a sick leave bank for Karen Kilroy, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Karen Kilroy. Whenever Karen Kilroy terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved August 4, 2006.

Chapter 214. AN ACT ESTABLISHING A SICK LEAVE BANK FOR CHERYL FERRARA, AN EMPLOYEE OF THE DEPARTMENT OF MENTAL RETARDATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to establish a sick leave bank for a certain employee of the department of retardation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the department of mental retardation shall establish a sick leave bank for Cheryl Ferrara, an employee of the department. Any employee of the department may voluntarily contribute 1 or more of his sick, personal or vacation days to the sick leave bank for use by said Cheryl Ferrara. Whenever said Cheryl Ferrara terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved August 4, 2006.

Chapter 215. AN ACT DESIGNATING BASKETBALL AS THE STATE SPORT.

Be it enacted, etc., as follows:

Chapter 2 of the General Laws is hereby amended by adding the following section:- Section 55. The sport of basketball shall be the official sport of the commonwealth.

Approved August 8, 2006.

Chapter 216. AN ACT AUTHORIZING THE TOWN OF OXFORD TO PROVIDE CERTAIN WATER SUPPLY IMPROVEMENTS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 39A of chapter 40 of the General Laws or chapter 193 of the acts of 1904, or any other general or special law to the contrary, the town of Oxford may establish a water supply and water distributing system and maintain and operate the system, in accordance with sections 39B to 39I, inclusive, of said chapter 40, within the part of its territory that it may, by contract under section 39H of chapter 40 or under section 3 of this act, agree with Aquarion Water Company of Massachusetts, Inc., successor of Oxford Water Company established by chapter 193 of the acts of 1904, and its successors, to be established, maintained and operated these contracts may be for a term of years that is provided by by-law or vote of the town of Oxford, notwithstanding any limitations of said section 39H of chapter 40.

SECTION 2. Without the necessity of any act of acceptance, sections 42G to 42K, inclusive, of chapter 40 of the General Laws shall apply within the town of Oxford.

SECTION 3. Notwithstanding any general or special law to the contrary, the board of selectmen of the town of Oxford may enter into a contract with the Aquarion Water Company of Massachusetts, Inc., or any successor to that company, to permit the town to establish a water supply and water distribution system and maintain and operate the system

for a term of years that the board of selectmen and the company shall agree upon, within the land area presently within the town of Oxford Highway Interchange Zoning District, which system may include a water main in Sutton Avenue in the town and a water storage tank on land owned by the town located off Sutton Avenue including access thereto, and may enter into a lease with the company for these facilities under which the company shall maintain and operate the facilities.

SECTION 4. This act shall not authorize the town of Oxford to construct, own, or operate a water supply or water distribution system serving the entire town, or any portions thereof other than those agreed to by contract with the Aquarion Water Company of Massachusetts, Inc. pursuant to the authorization granted by section 1. This act shall not repeal or amend chapter 193 of the acts of 1904, nor shall it limit the exclusive service franchise granted to the company by that act or otherwise limit or impair the rights of the company under that act.

SECTION 5. This act shall take effect upon its passage.

Approved August 9, 2006.

Chapter 217. AN ACT APPLYINGTHE MALPRACTICE TRIBUNAL TO SOCIAL WORKERS.

Be it enacted, etc., as follows:

Section 60B of chapter 231 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "psychologist", in line 68, the following words:- , social worker.

Approved August 9, 2006.

Chapter 218. AN ACT EXEMPTING SEAN W. RICHARDS FROM THE MAXIMUM AGE REQUIREMENT FOR APPOINTMENT AS POLICE OFFICER IN THE CITY OF METHUEN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 58 of chapter 31 of the General Laws or any other general or special law to the contrary, Sean W. Richards shall be eligible to have his name certified for original appointment to the position of police officer in the city of Methuen, notwithstanding his having reached the age of 32 before taking any civil service examination in connection with that appointment. Sean W. Richards shall be eligible for appointment to the position of police officer in the city of Methuen if he otherwise qualifies

and is selected for employment under said chapter 31, any regulations of the civil service commission and any lawful hiring practices of the city of Methuen.

SECTION 2. This act shall take effect upon its passage.

Approved August 9, 2006.

Chapter 219. AN ACT FURTHER REGULATING COLLEGE STUDENT MENINGOCOCCAL DISEASE IMMUNIZATION.

Be it enacted, etc., as follows:

Section 15D of chapter 76 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

No newly enrolled full-time student attending a college, university or secondary school who will be living in a dormitory or comparable congregate living arrangement licensed or approved by the college, university or secondary school shall be registered at the institution except upon presentation of a medical certificate that the student has been immunized against meningococcal disease or on the condition that a medical certificate documenting immunization against meningococcal disease shall be provided within 30 days of registration; but a student may be registered at the institution upon certification made, in writing, by a physician who has personally examined the student and in whose opinion the physical condition of the student is such that his health would be endangered by the immunization, or the student has signed a waiver stating that the student has received information provided by the school or the health department containing the information required by this section.

Approved August 9, 2006.

Chapter 220. AN ACT AUTHORIZING A RETIREMENT ALLOWANCE FOR ROBERT W. NOSEWORTHY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding paragraph (e) of subdivision (6) of section 3 of chapter 32 of the General Laws to the contrary, Robert W. Noseworthy of the town of North Reading shall be eligible to receive a superannuation retirement allowance from the Middlesex county retirement system for creditable service he rendered to the town of North Reading. This allowance shall be subject to all other provisions of said chapter 32 of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Approved August 9, 2006.

Chapter 221. AN ACT RELATIVE TO STATE CHARTERED BANKS.

Be it enacted, etc., as follows:

SECTION 1. Paragraph 2 of the first paragraph of section 11 of chapter 168 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The chief executive officer or chief financial officer or board of investment shall submit a report summarizing loan activity, investment activity, loans in arrears, foreclosure actions, changes to reserve requirements, and deposit activity, for the period since the last regular meeting of the trustees. Said report shall be presented to the trustees present at the meeting or a copy of the report shall be furnished to each trustee. A summary of said report containing a recapitulation of the several items, and such other portion of the contents as may be determined at the meeting, shall be read or presented to the trustees present thereat. Upon application in writing by the corporation the commissioner in his discretion may waive or modify the list of transactions to be included in such report.

SECTION 2. Said chapter 168 is hereby further amended by striking out section 12, as so appearing, and inserting in place thereof the following section:-

Section 12. The corporation shall have a board of investment of not less than 5 members, who shall be trustees of the corporation. Only 1 of the persons holding the offices or performing the duties of president, executive vice president, senior vice president or treasurer shall at the same time be a member of the board of investment. The board shall elect a clerk who may, but need not be a member of the board. The board of investment may invite 1 or more trustees who are not members of the board to attend its meetings during the monthly, quarterly or semi-annual periods as the board may determine.

At least monthly, the treasurer or other officer designated by the board of investment shall submit to the board of investment, a written report, over his signature, covering the period for which the report has not yet been submitted. The report shall be filed with the records of the meeting and shall be retained for a period of 6 years from the date of the meeting. The report shall cover the following transactions:

(1) changes in investments;

(2) changes in reserve or contingency accounts;

(3) lists of the following loans, setting forth the total liabilities of the borrower to the corporation, both secured and unsecured:-

(i) loans in excess of $50,000 each, overdue for more than 30 days, other than real estate mortgage loans;

(ii) real estate mortgage loans on which interest is more than 6 months in arrears;

(iii) real estate mortgage loans concerning which any tax upon the underlying security has been paid by and not repaid to the corporations; and

(iv) all loans secured and unsecured, and discounts of any borrower including both direct and indirect liabilities made during which the period which brings aggregate liabilities of the borrower to an amount in excess of $100,000, with annotation of any line of credit possessed by the borrower, but, for banks with total assets in excess of $1,000,000,000 as of the most recent call report, the amount of aggregate liabilities outstanding to a single borrower shall be the greater of $500,000 or 1 per cent of undistributed capital and surplus.

Upon application in writing by the corporation, the commissioner in his discretion may waive or modify the list of transactions to be included in the report.

Meetings of the board of investment shall be held at least once in each month. A record shall be made at each meeting of the transactions of the board and of the names of those present; but, lists of loans or securities submitted to and considered or acted upon at such meeting may be incorporated by reference in the record if the lists are filed with the records of the meeting and are identified by the signatures of the clerk of the board and 1 or more members thereof. The approval of change in security for loans made may be evidenced either by vote of the board of investment or by a statement signed by at least 2 of its members.

SECTION 3. Said chapter 168 is hereby further amended by striking out section 19, as so appearing, and inserting in place thereof the following section:

Section 19. A corporation, except as provided in this section, shall not make a loan or extend credit in any manner to any of its officers or to any of its directors or trustees, including a member of its board of investment, and an officer, director or trustee, except as provided in this section, shall not borrow from or otherwise become indebted to the corporation or be surety for loans by it to others or directly or indirectly, whether acting individually or as trustee holding property in trust for another person, or be an obligor for money borrowed of the corporation. With the prior approval of a majority of the entire board of investment, excluding any member of that board involved in the loan or extension of credit, the corporation may make a loan or extend credit to the officer in an amount not exceeding $100,000 on a loan or extension of credit, secured or unsecured, and in an amount not exceeding $200,000 on a loan or extension of credit intended or secured for educational purposes, and in an amount not exceeding $750,000 on a loan secured by a mortgage on real estate improved with a 1 to 4 family dwelling or a condominium established in accordance with chapter 183A which is to be occupied, in whole or in part, by the officer. The corporation may make a loan or extension of credit to the director or trustee, who is not an officer of the corporation, subject to the limitations contained in chapter 167E. The corporation shall not give a preferential rate of interest or other preferential terms on a loan or extension of credit to any officer, director or trustee. A loan or extension of credit made under this section shall be subject to section 20. For the purposes of this section and section 20, the term "officer" shall include a president, executive vice-president, senior vice-president or treasurer, and any other officer who participates in major policy functions

of the corporation whether or not: (1) the other officer has an official title; but the term shall not include a person who may have an official title and may exercise a certain measure of discretion in the performance of his duties, including discretion in the making of loans, but who does not participate in the determination of major policies of the corporation and whose decisions are limited by policy standards fixed by the senior management of the corporation; (2) the title designates the officer an assistant; or (3) the officer is serving without salary or compensation.

An officer, whether acting individually or as trustee holding property in trust for another person, shall not become the owner of real estate upon which a mortgage is held by the corporation; but this prohibition shall not apply to an officer who becomes the owner of real estate upon which a mortgage is held by the corporation securing a loan in an amount not exceeding $750,000 on real estate improved with a 1 to 4 family dwelling or a condominium established in accordance with chapter 183A which is to be occupied, in whole or in part, by the officer. This section shall not apply to loans made to an officer on deposit books, or to loans as are guaranteed or insured, in whole or in part, as authorized by chapter 46 of the acts of 1945 or by regulations thereunder.

SECTION 4. Section 20 of said chapter 168, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The report to the commissioner shall consist of, but not be limited to, the following: (1) the name of the officer as defined in section 19, director, trustee or principal shareholder of said corporation, bank holding company or other subsidiary to whom any such loan or extension of credit has been given or the name of such company to which such loan or extension of credit has been made, (2) the original amount of the loan and the interest rate thereon, (3) the date of the loan, (4) the type of loan, (5) if the loan is secured in any manner, the type of secured asset and its valuation, (6) the terms of the payment, (7) the current balance, and (8) the amount of principal or interest payments in default, if any, and the length of the default. The report shall be considered a public record in accordance with section 10 of chapter 66.

SECTION 5. The second paragraph of section 11 of chapter 170 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- At each meeting of the directors, the security committee shall submit a report consisting of a detailed written statement containing the following information for the period since the last regular meeting of the directors, such report to be filed with the records of the meeting and shall be retained for a period of 6 years from the date of the meeting; such report shall cover the following transactions:

(1) changes in investments;

(2) changes in reserve or contingency accounts;

(3) lists of the following loans, setting forth the total liabilities of the borrower to the corporation, both secured and unsecured:

(i) loans in excess of $50,000 each, overdue for more than 30 days, other than real estate mortgage loans;

(ii) real estate mortgage loans on which interest is more than 6 months in arrears;

(iii) real estate mortgage loans concerning which any tax upon the underlying security has been paid by and not repaid to such corporations;

(iv) all loans secured and unsecured, and discounts of any borrower including both direct and indirect liabilities made during which the period which brings aggregate liabilities of the borrower to an amount in excess of $100,000, with a notation of any line of credit possessed by the borrower, but, for banks with total assets in excess of $1,000,000,000 as of the most recent call report, the amount of aggregate liabilities outstanding to a single borrower shall be the greater of $500,000 or 1 per cent of undistributed capital and surplus.

SECTION 6. Said section 11 of said chapter 170, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

At the first meeting the board shall elect an audit committee of not less than 3 directors who shall not be operating officers or members of the security committee. The members of the audit committee shall take an oath of office in the manner and within the period prescribed by section 9 and a record thereof shall be made and preserved as provided in said section 9. The directors shall determine the compensation, if any, to be paid to the members of the security committee and the audit committee.

SECTION 7. Section 19 of said chapter 170, as so appearing, is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following 2 paragraphs:-

An officer or director of a bank, except as provided in this section, shall not borrow from or otherwise become indebted to the bank of which he is an officer or director and a bank, except as provided in this section, shall not make a loan or extend credit in any other manner to any of its officers or directors. With the prior approval of a majority of the entire board of directors, excluding any member of that board involved in the loan or extension of credit, a bank may make a loan or extend credit to the officer and the officer may become indebted to the bank in an amount not exceeding $100,000 on a loan or extension of credit, secured or unsecured, and in an amount not exceeding $200,000 on a loan or extension of credit intended or secured for educational purposes, and in an amount not exceeding $750,000 on a loan secured by a mortgage on real estate improved with a 1 to 4 family dwelling or a condominium established in accordance with chapter 183A which is to be occupied, in whole or in part, by the officer, and in an amount secured by a deposit account of the officer in the bank. A bank may make a loan or extension of credit to the director, who is not an officer of such bank, subject to the limitations contained in chapter 167E. The bank shall not give a preferential rate of interest or other preferential terms on any loan or extension of credit to an officer or director. For the purposes of this section, the term "officer" shall mean a president, executive vice-president, senior vice-president or treasurer, and any other officer who participates in major policy functions of the bank whether or not: (1) the other officer has an official title; but the term shall not include a person who may have an official title and may exercise a certain measure of discretion in the performance of his

duties, including discretion in the making of loans, but who does not participate in the determination of major policies of the bank and whose decisions are limited by policy standards fixed by the senior management of the bank; (2) the title designates the officer an assistant; or (3) the officer is serving without salary or compensation.

An officer, whether acting individually or as trustee holding property in trust for another person, shall not become the owner of real estate upon which a mortgage is held by the corporation; but, this prohibition shall not apply to an officer who becomes the owner of real estate upon which a mortgage is held by the corporation securing a loan in an amount not exceeding $750,000 on real estate improved with a 1 to 4 family dwelling or a condominium established in accordance with chapter 183A which is to be occupied, in whole or in part, by the officer. This section shall not apply to loans made to an officer on deposit books, or to loans as are guaranteed or insured in whole or in part as authorized by chapter 46 of the acts of 1945 or by regulations thereunder.

SECTION 8. Chapter 172 of the General Laws is hereby amended by striking out section 16, as so appearing, and inserting in place thereof the following section:-

Section 16. The board of directors shall meet at intervals of not less than quarterly; but, upon application in writing by the corporation, the commissioner may waive or modify this requirement. Unless the articles of incorporation or the by-laws otherwise provide, members of the board of directors or a committee designated thereby may participate in a meeting of the board or committee by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting may simultaneously hear each other, and participation by these means shall constitute presence in person at a meeting. Members may transmit written authorizations that may be required during the meeting by electronic facsimile or other commercially acceptable transmission. At intervals of not less than quarterly, the treasurer or other officer designated by the board of directors shall submit to a meeting of the board of directors a written report, over his signature, for the period running from the last regular meeting of the directors to the date of the meeting on which the report is submitted. The report shall be filed with the records of the meeting and shall be retained for a period of 6 years from the date of the meeting. The report shall provide a summary of the following transactions:

(1) changes in investments;

(2) changes in reserve or contingency accounts;

(3) lists of the following loans, setting forth total liabilities of the borrower to the corporations, both secured and unsecured:

(i) loans in excess of $500,000 each, overdue for more than 30 days, other than real estate mortgage loans;

(ii) real estate mortgage loans on which interest is more than 6 months in arrears;

(iii) real estate mortgage loans concerning which any tax upon the underlying security has been paid and not repaid to the corporations;

(iv) all loans secured and unsecured, and discounts of a borrower including both direct and indirect liabilities made during which the period which brings aggregate liabilities

of the borrower to an amount in excess of $100,000, with a notation of any line of credit possessed by the borrower, but, for banks with total assets in excess of $1,000,000,000 as of the most recent call report, the amount of aggregate liabilities outstanding to a single borrower shall be the greater of $500,000 or 1 per cent of undistributed capital and surplus.

Upon application in writing by the corporation the commissioner in his discretion may waive or modify the list of transactions to be included in the report.

SECTION 9. Section 18 of said chapter 172, as so appearing, is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following 2 paragraphs:-

An officer or director of a trust company, except as provided in this section, shall not borrow from or otherwise become indebted to a trust company of which he is an officer or director, and a trust company, except as provided in this section, shall not make a loan or extend credit in any other manner to any of its officers or directors. With the prior approval of a majority of the entire board of directors, excluding a member of that board involved in the loan or extension of credit, a trust company may loan or extend credit to an officer and the officer may become indebted to the trust company in an amount not exceeding $100,000 on a loan or extension of credit, secured or unsecured, and in an amount not exceeding $200,000 on a loan or extension of credit intended or secured for educational purposes, and in an amount not exceeding $750,000 on a loan secured by a mortgage on real estate improved with a 1 to 4 family dwelling or a condominium established in accordance with chapter 183A which is to be occupied, in whole or in part, by the officer. A trust company may make a loan or extension of credit to a director, who is not an officer of the trust company, subject to the limitations contained in chapter 167E. The trust company shall not give a preferential rate of interest or other preferential terms on a loan or extension of credit to an officer or to a director. For the purposes of this section, the term "officer" shall mean a president, executive vice-president, senior vice-president or treasurer, and any other officer who participates in major policy functions of the trust company whether or not: (1) such other officer has an official title; but the term shall not include a person who may have an official title and may exercise a certain measure of discretion in the performance of his duties, including discretion in the making of loans, but who does not participate in the determination of major policies of the trust company and whose decisions are limited by policy standards fixed by the senior management of the trust company; (2) the title designates the officer an assistant; or (3) the officer is serving without salary or compensation.

An officer, whether acting individually or as trustee holding property in trust for another person, shall not become the owner of real estate upon which a mortgage is held by the corporation; but, provided, however, that this prohibition shall not apply to an officer who becomes the owner of real estate upon which a mortgage is held by the corporation securing a loan in an amount not exceeding $750,000 dollars on real estate improved with a 1 to 4 family dwelling or a condominium established in accordance with chapter 183A which is to be occupied, in whole or in part, by the officer. This section shall not apply to

loans made to an officer on deposit books, or to loans as are guaranteed or insured in whole or in part as authorized by chapter 46 of the acts of 1945 or by regulations thereunder.

Approved August 9, 2006.

Chapter 222. AN ACT RELATIVE TO THE PAYMENT OF REFERRAL FEES TO UNLICENSED EMPLOYEES OF INSURANCE PRODUCERS.

Be it enacted, etc., as follows:

Section 177 of chapter 175 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- Nothing in this section shall prohibit the payment of additional compensation in the form of referral fees to unlicensed employees of a licensed insurance producer or licensed business entity producer for customers referred to the licensed insurance producer or licensed business entity producer by the unlicensed employees in connection with the purchase of insurance.

Approved August 9, 2006.

Chapter 223. AN ACT RELATIVE TO THE INTERSTATE INSURANCE COMPACT.

Be it enacted, etc., as follows:

The General Laws are hereby amended by inserting after chapter 175J the following chapter:—

Chapter 175K.

Interstate Insurance Compact

Section 1. For purposes of this compact, the following words shall have the following meanings:-

"Advertisement", material designed to create public interest in a product, or induce the public to purchase, increase, modify, reinstate, borrow on, surrender, replace or retain a policy, as more specifically defined in the rules and operating procedures of the commission.

"By-laws", those by-laws established by the commission for its governance, or for directing or controlling the commission's actions or conduct.

"Compacting state", a state which has enacted this compact legislation and which has not withdrawn pursuant to subsection (1) of section 13 or been terminated pursuant to subsection (2) of said section 13.

"Commission", the interstate insurance product regulation commission established by this compact.

"Commissioner", the chief insurance regulatory official of a state including, but not limited to, commissioner, superintendent, director or administrator.

"Domiciliary state", the state in which an insurer is incorporated or organized; or, in the case of an alien insurer, its state of entry.

"Insurer", an entity licensed by a state to issue contracts of insurance for any of the lines of insurance covered by this chapter.

"Member", the person chosen by a compacting state as its representative to the commission, or his or her designee.

"Non-compacting state", a state which is not at the time a compacting state.

"Operating Procedures", procedures promulgated by the commission implementing a rule, uniform standard or a provision of this compact.

"Opt out", an action by a compacting state to decline to adopt or participate in a promulgated uniform standard.

"Product", the form of a policy or contract, including an application, endorsement, or related form which is attached to and made a part of the policy or contract, and a evidence of coverage or certificate, for an individual or group annuity, life insurance, disability income or long-term care insurance product that an insurer is authorized to issue.

"Rule", a statement of general or particular applicability and future effect promulgated by the commission, including a uniform standard developed pursuant to section 6, designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of the commission, which shall have the force and effect of law in the compacting states.

"State", a state, district or territory of the United States of America.

"Third-party filer", an entity that submits a product filing to the commission on behalf of an insurer.

"Uniform standard", a standard adopted by the commission for a product line, pursuant to section 6, and shall include all of the product requirements in aggregate; but, each uniform standard shall be construed, whether express or implied, to prohibit the use of any inconsistent, misleading or ambiguous provisions in a product and the form of the product made available to the public shall not be unfair, inequitable or against public policy as determined by the commission.

Section 2. (a) The compacting states hereby create and establish a joint public agency known as the interstate insurance product regulation commission. Pursuant to section 3, the commission shall have the power to develop uniform standards for product lines, receive and provide prompt review of products filed therewith, and give approval to those product filings satisfying applicable uniform standards; but, it is not intended for the commission to be the exclusive entity for receipt and review of insurance product filings. Nothing herein shall prohibit an insurer from filing its product in a state wherein the insurer is licensed to conduct the business of insurance; and the filing shall be subject to the laws of the state where filed.

(b) The commission shall be a body corporate and politic, and an instrumentality of the compacting states.

(c) The commission is solely responsible for its liabilities except as otherwise specifically provided in this compact.

(d) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located.

Section 3. The commission shall have the following powers:

(1) to promulgate rules, pursuant to section 6, which shall have the force and effect of law and shall be binding in the compacting states to the extent and in the manner provided in this compact;

(2) to exercise its rule-making authority and establish reasonable uniform standards for products covered under the compact, and advertisement related thereto, which shall have the force and effect of law and shall be binding in the compacting states, but only for those products filed with the commission, provided, that a compacting state shall have the right to opt out of the uniform standard pursuant to section 6, to the extent and in the manner provided in this compact, and, provided further, that a uniform standard established by the commission for long-term care insurance products may provide the same or greater protections for consumers as, but shall not provide less than, those protections set forth in the National Association of Insurance Commissioners' Long-Term Care Insurance Model Act and Long-Term Care Insurance Model Regulation, respectively, adopted as of 2001. The commission shall consider whether a subsequent amendment to the NAIC Long-Term Care Insurance Model Act or Long-Term Care Insurance Model Regulation adopted by the NAIC require amending of the uniform standards established by the commission for long-term care insurance products;

(3) to receive and review in an expeditious manner products filed with the commission, and rate filings for disability income and long-term care insurance products, and give approval of those products and rate filings that satisfy the applicable uniform standard, where the approval shall have the force and effect of law and be binding on the compacting states to the extent and in the manner provided in the compact;

(4) to receive and review in an expeditious manner advertisement relating to long-term care insurance products for which uniform standards have been adopted by the commission, and give approval to all advertisement that satisfies the applicable uniform standard. For a product covered under this compact, other than long-term care insurance products, the commission shall have the authority to require an insurer to submit all or part of its advertisement with respect to that product for review or approval before use, if the commission determines that the nature of the product is such that an advertisement of the product could have the capacity or tendency to mislead the public. The actions of commission as provided in this subsection shall have the force and effect of law and shall be binding in the compacting states to the extent and in the manner provided in the compact;

(5) to exercise its rule-making authority and designate products and advertisement that may be subject to a self-certification process without the need for prior approval by the commission;

(6) to promulgate operating procedures, pursuant to section 6, which shall be binding in the compacting states to the extent and in the manner provided in this compact;

(7) to bring and prosecute legal proceedings or actions in its name as the commission; but, the standing of a state insurance department to sue or be sued under applicable law shall not be affected;

(8) to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence;

(9) to establish and maintain offices;

(10) to purchase and maintain insurance and bonds;

(11) to borrow, accept or contract for services of personnel, including, but not limited to, employees of a compacting state;

(12) to hire employees, professionals or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of the compact, and determine their qualifications; and to establish the commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation and qualifications of personnel;

(13) to accept appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; but, at all times the commission shall strive to avoid the appearance of impropriety;

(14) to lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; but, at all times the commission shall strive to avoid the appearance of impropriety;

(15) to sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of property, real, personal or mixed;

(16) to remit filing fees to compacting states as may be set forth in the by-laws, rules or operating procedures;

(17) to enforce compliance by compacting states with rules, uniform standards, operating procedures and by-laws;

(18) to provide for dispute resolution among compacting states;

(19) to advise compacting states on issues relating to insurers domiciled or doing business in non-compacting jurisdictions, consistent with the purposes of this compact;

(20) to provide advice and training to those personnel in state insurance departments responsible for product review, and to be a resource for state insurance departments;

(21) to establish a budget and make expenditures;

(22) to borrow money;

(23) to appoint committees, including advisory committees comprising members, state insurance regulators, state legislators or their representatives, insurance industry and consumer representatives, and such other interested persons as may be designated in the by-laws;

(24) to provide and receive information from, and to cooperate with law enforcement agencies;

(25) to adopt and use a corporate seal; and

(26) to perform other functions necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of the business of insurance.

Section 4. (1)(a) Each compacting state shall have and be limited to 1 member. Each member shall be qualified to serve in that capacity pursuant to applicable law of the compacting state. A member may be removed or suspended from office as provided by the law of the state from which he or she shall be appointed. A vacancy occurring in the commission shall be filled in accordance with the laws of the compacting state wherein the vacancy exists. Nothing herein shall be construed to affect the manner in which a compacting state determines the election or appointment and qualification of its own commissioner.

(b) each member shall be entitled to 1 vote and shall have an opportunity to participate in the governance of the commission in accordance with the by-laws. Notwithstanding any provision herein to the contrary, no action of the commission with respect to the promulgation of a uniform standard shall be effective unless 2/3 of the members vote in favor thereof.

(c) the commission, by a majority of the members, shall prescribe by-laws necessary or appropriate to carry out the purposes, and exercise the powers, of the compact, including, but not limited to:

(i) establishing the fiscal year of the commission;

(ii) providing reasonable procedures for appointing and electing members, as well as holding meetings, of the management committee;

(iii) providing reasonable standards and procedures: (i) for the establishment and meetings of other committees, and (ii) governing any general or specific delegation of authority or function of the commission;

(iv) providing reasonable procedures for calling and conducting meetings of the commission that consists of a majority of commission members, ensuring reasonable advance notice of each meeting and providing for the right of citizens to attend each meeting with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and insurers' proprietary information, including trade secrets; the commission may meet in camera only after a majority of the entire membership votes to close a meeting en toto or in part; as soon as practicable, the commission shall make public a copy of the vote to close the meeting revealing the vote of each member with no proxy votes allowed, and shall make public votes taken during the meeting;

(v) establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission;

(vi) providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission and, notwithstanding any civil service or other similar laws of any compacting state, the by-laws shall exclusively govern the personnel policies and programs of the commission;

(vii) promulgating a code of ethics to address permissible and prohibited activities of commission members and employees; and

(viii) providing a mechanism for winding up the operations of the commission and the equitable disposition of surplus funds that may exist after the termination of the compact after the payment and/or reserving of all of its debts and obligations.

(d) The commission shall publish its by-laws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the compacting states.

(2)(a) A Management committee comprising no more than 14 members shall be established as follows:

(i) one member from each of the 6 compacting states with the largest premium volume for individual and group annuities, life, disability income and long-term care insurance products, determined from the records of the NAIC for the prior year;

(ii) four members from those compacting states with at least 2 per cent of the market based on the premium volume described above, other than the 6 compacting states with the largest premium volume, selected on a rotating basis as provided in the by-laws; and

(iii) four members from those compacting states with less than 2 per cent of the market, based on the premium volume described above, with 1 selected from each of the 4 zone regions of the NAIC as provided in the by-laws.

(b) the management committee shall have the authority and duties set forth in the by-laws, including but not limited to:-

(i) managing the affairs of the commission in a manner consistent with the by-laws and purposes of the commission;

(ii) establishing and overseeing an organizational structure within, and appropriate procedures for, the commission to provide for the creation of uniform standards and other rules, receipt and review of product filings, administrative and technical support functions, review of decisions regarding the disapproval of a product filing, and the review of elections made by a compacting state to opt out of a uniform standard; but, a uniform standard shall not be submitted to the compacting states for adoption unless approved by 2/3 of the members of the management committee;

(iii) overseeing the offices of the commission; and

(iv) planning, implementing, and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the commission.

(c) The commission shall elect annually officers from the management committee, with each having the authority and duties specified in the by-laws.

(d) The management committee may, subject to the approval of the commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the commission considers appropriate. The executive director shall serve as secretary to the commission, but shall not be a member of the commission. The executive director shall hire and supervise staff as authorized by the commission.

(3)(a) A legislative committee comprising state legislators or their designees shall be established to monitor the operations of, and make recommendations to, the commission, including the management committee; but, the manner of selection and term of any legislative committee member shall be as set forth in the by-laws. Before the adoption by the commission of a uniform standard, revision to the by-laws, annual budget or other significant matter as may be provided in the by-laws, the management committee shall consult with and report to the legislative committee.

(b) The commission shall establish 2 advisory committees, 1 of which shall comprise consumer representatives independent of the insurance industry, and the other comprising insurance industry representatives.

(c) The commission may establish additional advisory committees as its by-laws may provide for the carrying out of its functions.

(4) The commission shall maintain its corporate books and records in accordance with the by-laws.

(5)(a) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; but, nothing in this paragraph shall be construed to protect that person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of that person.

(b) The commission shall defend a member, officer, executive director, employee or representative of the commission in a civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided, that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful and wanton misconduct.

(c) The commission shall indemnify and hold harmless a member, officer, executive director, employee or representative of the commission for the amount of a settlement or judgment obtained against that person arising out of an actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, if, the actual or alleged act, error or omission did not result from the intentional or willful and wanton misconduct of that person.

Section 5. (1) The commission shall meet and take actions consistent with this compact and the by-laws.

(2) Each member of the commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the commission. A member shall vote in person or by other means as provided in the by-laws. The by-laws may provide for members' participation in meetings by telephone or other means of communication.

(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the by-laws.

Section 6. (1) The commission shall promulgate reasonable rules, including uniform standards, and operating procedures in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this chapter, or the powers granted hereunder, then the action by the commission shall be invalid and have no force and effect.

(2) Rules and operating procedures shall be made pursuant to a rulemaking process that conforms to the Model State Administrative Procedure Act of 1981 as amended, as may be appropriate to the operations of the commission. Before the commission adopts a uniform standard, the commission shall give written notice to the relevant state legislative committee in each compacting state responsible for insurance issues of its intention to adopt the uniform standard. The commission in adopting a uniform standard shall consider fully all submitted materials and issue a concise explanation of its decision.

(3) A uniform standard shall become effective 90 days after its promulgation by the commission or a later date as the commission may determine; but, a compacting state may opt out of a uniform standard as provided in this section. All other rules and operating procedures, and amendments thereto, shall become effective as of the date specified in each rule, operating procedure or amendment.

(4) A compacting state may opt out of a uniform standard, either by legislation or regulation duly promulgated by the insurance department under the compacting state's administrative procedure act. If a compacting state elects to opt out of a uniform standard by regulation, it must (i) give written notice to the commission no later than 10 business days after the uniform standard is promulgated, or at the time the state becomes a compacting state; and (ii) find that the uniform standard does not provide reasonable protections to the citizens of the state, given the conditions in the state. The commissioner shall make specific findings of fact and conclusions of law, based on a preponderance of the evidence, detailing the conditions in the state which warrant a departure from the uniform standard and determining that the uniform standard would not reasonably protect the citizens of the state. The commissioner shall consider and balance the following factors and find that the conditions in the state and needs of the citizens of the state outweigh: (i) the intent of the legislature to participate in, and the benefits of, an interstate agreement to establish national uniform consumer protections for the products subject to this chapter; and (ii) the presumption that a uniform standard adopted by the commission provides reasonable protections to consumers of the relevant product.

Notwithstanding the foregoing, a compacting state may, at the time of its enactment of this compact, prospectively opt out of all uniform standards involving long-term care insurance products by expressly providing for the opt out in the enacted compact, and the opt out shall not be treated as a material variance in the offer or acceptance of any state to participate in this compact. The opt out shall be effective at the time of enactment of this compact by the compacting state and shall apply to all existing uniform standards involving long-term care insurance products and those subsequently promulgated.

(5) If a compacting state elects to opt out of a uniform standard, the uniform standard shall remain applicable in the compacting state electing to opt out until the time the opt out legislation is enacted into law or the regulation opting out becomes effective.

Once the opt out of a uniform standard by a compacting state becomes effective as provided under the laws of that state, the uniform standard shall have no further force and effect in that state unless and until the legislation or regulation implementing the opt out is repealed or otherwise becomes ineffective under the laws of the state. If a compacting state opts out of a uniform standard after the uniform standard has been made effective in that state, the opt out shall have the same prospective effect as provided under section 13 for withdrawals.

(6) If a compacting state has formally initiated the process of opting out of a uniform standard by regulation, and while the regulatory opt out is pending, the compacting state may petition the commission, at least 15 days before the effective date of the uniform standard, to stay the effectiveness of the uniform standard in that state. The commission may grant a stay if it determines the regulatory opt out is being pursued in a reasonable manner and there is a likelihood of success. If a stay is granted or extended by the commission, the stay or extension thereof may postpone the effective date by up to 90 days, unless affirmatively extended by the commission; but, a stay may not be permitted to remain in effect for more than 1 year unless the compacting state can show extraordinary circumstances which warrant a continuance of the stay, including, but not limited to, the existence of a legal challenge which prevents the compacting state from opting out. A stay may be terminated by the commission upon notice that the rulemaking process has been terminated.

(7) Not later than 30 days after a rule or operating procedure is promulgated, a person may file a petition for judicial review of the rule or operating procedure; but, the filing of the petition shall not stay or otherwise prevent the rule or operating procedure from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the commission consistent with applicable law and shall not find the rule or operating procedure to be unlawful if the rule or operating procedure represents a reasonable exercise of the commission's authority.

Section 7. (1) The commission shall promulgate rules establishing conditions and procedures for public inspection and copying of its information and official records, except information and records involving the privacy of individuals and insurers' trade secrets. The commission may promulgate additional rules under which it may make available to federal and state agencies, including law enforcement agencies, records and information otherwise

exempt from disclosure, and may enter into agreements with those agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

(2) Except as to privileged records, data and information, the laws of any compacting state pertaining to confidentiality or nondisclosure shall not relieve any compacting state commissioner of the duty to disclose relevant records, data or information to the commission; provided, that disclosure to the commission shall not be deemed to waive or otherwise affect any confidentiality requirement; and further provided, that, except as otherwise expressly provided in this chapter, the commission shall not be subject to the compacting state's laws pertaining to confidentiality and nondisclosure with respect to records, data and information in its possession. Confidential information of the commission shall remain confidential after the information is provided to a commissioner.

(3) The commission shall monitor compacting states for compliance with duly adopted by-laws, rules, including uniform standards, and operating procedures. The commission shall notify a non-complying compacting state in writing of its noncompliance with commission by-laws, rules or operating procedures. If a non-complying compacting state fails to remedy its noncompliance within the time specified in the notice of noncompliance, the compacting state shall be considered to be in default as set forth in section 13.

(4) The commissioner of a state in which an insurer is authorized to do business, or is conducting the business of insurance, shall continue to exercise his or her authority to oversee the market regulation of the activities of the insurer in accordance with the state's law. The commissioner's enforcement of compliance with the compact shall be governed by the following provisions:

(a) With respect to the commissioner's market regulation of a product or advertisement that is approved or certified to the commission, the content of the product or advertisement shall not constitute a violation of the provisions, standards or requirements of the compact except upon a final order of the commission, issued at the request of a commissioner after prior notice to the insurer and an opportunity for hearing before the commission.

(b) Before a commissioner may bring an action for violation of any provision, standard or requirement of the compact relating to the content of an advertisement not approved or certified to the commission, the commission, or an authorized commission officer or employee, shall authorize the action. However, authorization pursuant to this paragraph shall not require notice to the insurer, opportunity for hearing or disclosure of requests for authorization or records of the commission's action on such requests.

Section 8. The commission shall attempt, upon the request of a member, to resolve any disputes or other issues that are subject to this compact and which may arise between 2 or more compacting states, or between compacting states and non-compacting states, and the commission shall promulgate an operating procedure providing for resolution of those disputes.

Section 9. (1) Insurers and third-party filers seeking to have a product approved by the commission shall file the product with, and pay applicable filing fees to, the commission. Nothing in this chapter shall be construed to restrict or otherwise prevent an insurer from filing its product with the insurance department in any state wherein the insurer is licensed to conduct the business of insurance, and the filing shall be subject to the laws of the states where filed.

(2) The commission shall establish appropriate filing and review processes and procedures pursuant to commission rules and operating procedures. Notwithstanding any provision herein to the contrary, the commission shall promulgate rules to establish conditions and procedures under which the commission will provide public access to product filing information. In establishing the rules, the commission shall consider the interests of the public in having access to the information, as well as protection of personal medical and financial information and trade secrets, that may be contained in a product filing or supporting information.

(3) A product approved by the commission may be sold or otherwise issued in those compacting states for which the insurer is legally authorized to do business.

Section 10. (1) Not later than 30 days after the commission has given notice of a disapproved product or advertisement filed with the commission, the insurer or third party filer whose filing was disapproved may appeal the determination to a review panel appointed by the commission. The commission shall promulgate rules to establish procedures for appointing the review panels and provide for notice and hearing. An allegation that the commission, in disapproving a product or advertisement filed with the commission, acted arbitrarily, capriciously, or in a manner that is an abuse of discretion or otherwise not in accordance with the law, shall be subject to judicial review in accordance with subsection 4 of section 2.

(2) The commission shall have authority to monitor, review and reconsider products and advertisement subsequent to their filing or approval upon a finding that the product does not meet the relevant uniform standard. Where appropriate, the commission may withdraw or modify its approval after proper notice and hearing, subject to the appeal process in subsection (1).

Section 11. (1) The commission shall pay or provide for the payment of the reasonable expenses of its establishment and organization. To fund the cost of its initial operations, the commission may accept contributions and other forms of funding from the National Association of Insurance Commissioners, Compacting States and other sources. Contributions and other forms of funding from other sources shall be of such a nature that the independence of the commission concerning the performance of its duties shall not be compromised.

(2) The commission shall collect a filing fee from each insurer and third party filer filing a product with the commission to cover the cost of the operations and activities of the commission and its staff in a total amount sufficient to cover the commission's annual budget.

(3) The commission's budget for a fiscal year shall not be approved until it has been subject to notice and comment as set forth in section 6.

(4) The commission shall be exempt from all taxation in and by the compacting states.

(5) The commission shall not pledge the credit of any compacting state, except by and with the appropriate legal authority of that compacting state.

(6) The commission shall keep complete and accurate accounts of all its internal receipts, including grants and donations, and disbursements of all funds under its control. The internal financial accounts of the commission shall be subject to the accounting procedures established under its by-laws. The financial accounts and reports including the system of internal controls and procedures of the commission shall be audited annually by an independent certified public accountant. Upon the determination of the commission, but no less frequently than every 3 years, the review of the independent auditor shall include a management and performance audit of the commission. The commission shall make an annual report to the governor and legislature of the compacting states, which shall include a report of the independent audit. The commission's internal accounts shall not be confidential and may be shared with the commissioner of any compacting state upon request; but, any work papers related to an internal or independent audit and information regarding the privacy of individuals and insurers' proprietary information, including trade secrets, shall remain confidential.

(7) A compacting state shall not have a claim to or ownership of property held by or vested in the commission or to any commission funds held pursuant to this compact.

Section 12. (1) A state is eligible to become a compacting state.

(2) The compact shall become effective and binding upon legislative enactment of the compact into law by 2 compacting states; but, the commission shall become effective for purposes of adopting uniform standards for, reviewing, and giving approval or disapproval of, products filed with the commission that satisfy applicable uniform standards only after 26 states are compacting states or, alternatively, by states representing greater than 40 per cent of the premium volume for life insurance, annuity, disability income and long-term care insurance products, based on records of the NAIC for the prior year. Thereafter, it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state.

(3) Amendments to the compact may be proposed by the commission for enactment by the compacting states. An amendment shall not become effective and binding upon the commission and the compacting states unless and until all compacting states enact the amendment into law.

Section 13. (1)(a) Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided, that a compacting state may withdraw from the compact hereinafter referred to as withdrawing state by enacting a statute specifically repealing the statute which enacted the compact into law.

(b) The effective date of withdrawal is the effective date of the repealing statute. However, the withdrawal shall not apply to product filings approved or self-certified, or to an advertisement of the products, on the date the repealing statute becomes effective, except by mutual agreement of the commission and the withdrawing state unless the approval is rescinded by the withdrawing state as provided in paragraph (e).

(c) The commissioner of the withdrawing state shall immediately notify the management committee in writing upon the introduction of legislation repealing this compact in the withdrawing state.

(d) The commission shall notify the other compacting states of the introduction of the legislation within 10 days after its receipt of notice thereof.

(e) The withdrawing state shall be responsible for all obligations, duties and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal, except to the extent those obligations may have been released or relinquished by mutual agreement of the commission and the withdrawing state. The commission's approval of products and advertisement before the effective date of withdrawal shall continue to be effective and be given full force and effect in the withdrawing state, unless formally rescinded by the withdrawing state in the same manner as provided by the laws of the withdrawing state for the prospective disapproval of products or advertisement previously approved under state law.

(f) Reinstatement following withdrawal of a compacting state shall occur upon the effective date of the withdrawing state reenacting the compact.

(2)(a) If the commission determines that any compacting state has at any time defaulted hereinafter referred to as a defaulting state in the performance of its obligations or responsibilities under this compact, the by-laws or duly promulgated rules or operating procedures, then, after notice and hearing as set forth in the by-laws, all rights, privileges and benefits conferred by this compact on the defaulting state shall be suspended from the effective date of default as fixed by the commission. The grounds for default include, but are not limited to, failure of a compacting state to perform its obligations or responsibilities, and other grounds designated in commission rules. The commission shall immediately notify the defaulting state in writing of the defaulting state's suspension pending a cure of the default. The commission shall stipulate the conditions and the time period within which the defaulting state shall cure its default. If the defaulting state fails to cure the default within the time period specified by the commission, the defaulting state shall be terminated from the compact and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination.

(b) Product approvals by the commission or product self-certifications, or any advertisement in connection with the product, that are in force on the effective date of termination shall remain in force in the defaulting state in the same manner as if the defaulting state had withdrawn voluntarily pursuant to subsection (1).

(c) Reinstatement following termination of any compacting state requires a reenactment of the compact.

(3)(a) The compact dissolves effective upon the date of the withdrawal or default of the compacting state which reduces membership in the compact to one compacting state.

(b) Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the commission shall be wound up and any surplus funds shall be distributed in accordance with the by-laws.

Section 14. (1) The provisions of this compact shall be severable; and if any phrase, clause, sentence or provision is considered unenforceable, the remaining provisions of the compact shall be enforceable.

(2) The provisions of this compact shall be liberally construed to effectuate its purposes.

Section 15. (1)(a) Nothing herein prevents the enforcement of any other law of a compacting state, except as provided in paragraph (b).

(b) For any product approved or certified to the commission, the rules, uniform standards and any other requirements of the commission shall constitute the exclusive provisions applicable to the content, approval and certification of the products. For advertisement that is subject to the commission's authority, any rule, uniform standard or other requirement of the commission which governs the content of the advertisement shall constitute the exclusive provision that a commissioner may apply to the content of the advertisement. Notwithstanding the foregoing, no action taken by the commission shall abrogate or restrict: (i) the access of any person to state courts; (ii) remedies available under state law related to breach of contract, tort, or other laws not specifically directed to the content of the product; (iii) state law relating to the construction of insurance contracts; or (iv) the authority of the attorney general of the state, including but not limited to maintaining any actions or proceedings, as authorized by law.

(c) All insurance products filed with individual states shall be subject to the laws of those states.

(2)(a) All lawful actions of the commission, including all rules and operating procedures promulgated by the commission, shall be binding upon the compacting states.

(b) All agreements between the commission and the compacting states shall be binding in accordance with their terms.

(c) Upon the request of a party to a conflict over the meaning or interpretation of commission actions, and upon a majority vote of the compacting states, the commission may issue advisory opinions regarding the meaning or interpretation in dispute.

In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought to be conferred by that provision upon the commission shall be ineffective as to that compacting state, and those obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which those obligations, duties, powers or jurisdiction are delegated by law in effect at the time this compact becomes effective.

Section 16. The commissioner of insurance for the commonwealth of Massachusetts shall serve as the representative of the commonwealth to the commission.

Approved August 9, 2006.

Chapter 224. AN ACT RELATIVE TO INSURANCE AND LAWFUL TRAVEL BY APPLICANTS FOR LIFE AND DISABILITY INSURANCE AND INSURED INDIVIDUALS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 108I the following section:-

Section 108J. (a) An insurer or producer authorized to issue policies against disability from injury or disease in the commonwealth shall not make a distinction or otherwise discriminate between persons, reject an applicant, cancel a policy, or demand or require a higher rate of premium for reasons based solely upon an applicant's or insured's past lawful travel experiences or future lawful travel plans.

(b) This section shall not prohibit an insurer from excluding or limiting coverage under a policy issued against disability from injury or disease, or refusing to offer the policy, based upon past lawful travel or future lawful travel plans, or from charging a different rate for that coverage, when that action is based upon sound actuarial principles or is related to actual or reasonably expected experience and is not based solely on the destination's inclusion on the United States Department of State Travel Warning List.

(c) A violation of this section shall constitute an unfair method of competition or unfair and deceptive act or practice pursuant to chapter 176D.

SECTION 2. Said chapter 175 is hereby further amended by inserting after section 122 the following section:-

Section 122A. (a) An insurer or producer authorized to issue policies on the lives of persons in the commonwealth shall not make a distinction or otherwise discriminate between persons, reject an applicant, cancel a policy or demand or require a higher rate of premium for reasons based solely upon an applicant's or insured's past lawful travel experiences or future lawful travel plans.

(b) This section shall not prohibit an insurer from excluding or limiting coverage under a life insurance policy, or refusing to offer life insurance, based upon past lawful travel or future lawful travel plans, or from charging a different rate for that coverage, when that action is based upon sound actuarial principle or is related to actual or reasonably expected experience and is not based solely on the destination's inclusion on the United States Department of State Travel Warning List.

(c) A violation of this section shall constitute an unfair method of competition or unfair and deceptive act or practice pursuant to chapter 176D.

SECTION 3. This act shall apply to all life and disability policies delivered or issued for delivery in the commonwealth on or after its effective date.

Approved August 9, 2006.

Chapter 225. AN ACT AUTHORIZING THE TOWN OF TOPSFIELD TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF WINES AND MALT BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Topsfield may grant an additional license for the sale of wines and malt beverages not to be drunk on the premises to James H. Gilford, d/b/a Gil's Grocery, located at 36 Main street in said town under section 15 of said chapter 138; provided, however, that the selling of wines and malt beverages shall be incidental to the sale of food or other products. The license shall be subject to all of said chapter 138, except section 17; provided, however, that the licensing authority shall not approve the transfer of the license to any other person, organization, corporation or location.

Approved August 9, 2006.

Chapter 226. AN ACT AUTHORIZING THE TOWN OF WESTWOOD TO GRANT ALCOHOLIC BEVERAGES LICENSES TO INNHOLDERS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 11 of chapter 138 of the General Laws, the licensing authority of the town of Westwood may grant to innholders licensed under chapter 140 licenses for the sale of all alcoholic beverages, and for the sale of wines and malt beverages to be drunk on premises under section 12 of said chapter 138. The licenses shall be subject to all of said chapter 138 except said section 11.

SECTION 2. This act shall take effect upon its passage.

Approved August 9, 2006.

Chapter 227. AN ACT AUTHORIZING THE DEPARTMENT OF HIGHWAYS TO ACQUIRE A CERTAIN BRIDGE IN THE TOWN OF WALPOLE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the department of highways shall immediately take by eminent domain under chapter 79 of the General Laws that portion of Bullard street as laid out in Norfolk county in the town of Walpole which comprises the public way which traverses Willett Pond, including the fee interest in and to the bridge deck and attendant structures known as the Bullard street bridge, and the permanent easement interest in and to the abutments to the extent necessary to properly complete construction, for all purposes consistent with the emergency rehabilitation and repair of same for the safety of the public.

SECTION 2. The department of highways shall undertake and fund all necessary and immediate repairs required to rehabilitate the Bullard street bridge on behalf of the county, to the extent shown on undated construction plans entitled "MassHighway Proposed Bridge Rehabilitation Walpole Bullard Street over Willet Pond Outlet" which plans are on file with the department. The bridge is referenced as Bridge No. W-03-037 within the bridge inventory compiled by the department.

SECTION 3. Notwithstanding any general or special law to the contrary, no permit shall be required from any state or local agency or body in order to effectuate the necessary and immediate repairs contemplated by this act, and nothing within this act shall affect those structures known as the Willet Pond dam and spillway which shall remain under private ownership.

SECTION 4. Notwithstanding said chapter 79, no appraisal of damages shall be required before any taking by eminent domain for the purposes of this act. Any appraisals required for the purposes of this act shall be undertaken and funded by the department of highways.

SECTION 5. The bridge referred to and described within section 1 shall be named the Honorable George A. Sullivan, Jr. Bridge in honor of his distinguished service to the commonwealth as a senator and justice of the trial court.

SECTION 6. This act shall take effect upon its passage.

Approved August 9, 2006.

Chapter 228. AN ACT AUTHORIZING TRANSFER OF LAND TO THE TOWN OF AYER TO ENHANCE PUBLIC ACCESS TO THE NASHUA RIVER RAIL TRAIL.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 7 of the General Laws, or any general or

special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may convey a parcel of land currently managed for conservation and recreation purposes under the jurisdiction and control of the department of conservation and recreation to the town of Ayer for the purpose of construction and maintenance of a public parking facility at the trailhead of the Nashua river rail trail, subject to sections 2 and 3 and to such additional terms and conditions consistent with this act as the commissioner may prescribe in consultation with the commissioner of conservation and recreation. The parcel is located southerly of Groton street, easterly of Park street and northerly of Main street, is shown as land owned by "Boston & Maine Railroad, Worcester, Nashua & Portland Division" on town of Ayer assessor's map no. 26 and consists of approximately 88,000 square feet. A metes and bounds survey satisfactory to the commissioner of capital asset management shall be produced prior to execution of any deed by the commissioner. To carry out the purposes of this act, modifications to the plan described above may be made before the easement grant is recorded. The grantee shall fund all expenses associated with any land survey, appraisal, title examinations, recording fees or any other expenses relating to the conveyance of the parcel.

SECTION 2. No conveyance by or on behalf of the commonwealth of the property described in section 1 shall be valid unless the deed provides that the parcel shall be used solely for the purposes described in section 1. The deed shall include a stipulation that title will revert to the commonwealth and be assigned to the care and custody of the department of conservation and recreation if the property ceases to be used for the express purpose for which it was conveyed. The deed shall contain provisions requiring that: (i) any parking facility must provide a minimum of 50 parking spaces free-of-charge to recreational users of the Ayer to Dunstable rail trail; (ii) the commissioner of conservation and recreation shall have the right to approve the design of any proposed improvements, with such approval not to be unreasonably withheld or delayed; (iii) the town of Ayer shall assume responsibility for the complete maintenance of the rail trial within the adjacent area for a distance of 300 feet; and (iv) these conditions shall run with the land.

SECTION 3. This act shall take effect upon its passage.

Approved August 9, 2006.

Chapter 229. AN ACT AUTHORIZING DISPOSITION OF CERTAIN CONSERVATION AND RECREATION LANDS UNDER THE CARE, CUSTODY AND CONTROL OF THE DEPARTMENT OF CONSERVATION AND RECREATION WITHIN THE TOWN OF MASHPEE.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance, in

consultation with the commissioner of conservation and recreation, may, notwithstanding sections 40F to 40I, inclusive, of chapter 7 of the General Laws, convey title to a certain parcel of land and any improvements located thereon, currently under control of and used by the department of conservation and recreation for conservation and recreational purposes for the South Cape Beach, in the town of Mashpee, to the town of Mashpee, for purposes of satisfying section 17 of an agreement between the town of Mashpee and the department of conservation and recreation dated June 29, 1981 and section 2 of chapter 287 of the acts of 1982. This parcel shall be used solely for conservation and recreation purposes, passive recreation purposes only, with shoreline access limited to non-motorized boats and canoes, and open to the general public without restriction or discrimination. Vehicular access shall be across lands of the department of conservation and recreation using Willis Work Road, an unimproved woods road, during the normal operating hours for South Cape Beach State Park, but additional access provisions may be agreed to between the town of Mashpee and the department of conservation and recreation in writing. The commissioner of capital asset management may add additional terms and conditions consistent with this act, in consultation with the department of conservation and recreation. This parcel of land is shown as "Parcel A" on a plan of land entitled "Map of Land in Mashpee, Massachusetts Showing Parcels to Be Conveyed by the Commonwealth of Massachusetts to the Town of Mashpee, by Caputo and Wick, LTD., May 1989," on file with the department of conservation and recreation. Modifications to this plan may be made before conveyance to carry out the purposes of this act.

SECTION 2. No deed conveying, by or on behalf of the commonwealth, the title to the property described in section 1 shall be valid unless the deed provides that the property shall be used solely for the purposes described in section 1. The deed shall include a reversionary clause that stipulates that the property will revert to the commonwealth and assigned to the care, custody and control of the department of conservation and recreation if the property ceases to be used for the express purposes for which it was conveyed.

SECTION 3. The grantees of the property shall assume the cost of any surveys, title certifications and other expenses considered necessary by the commissioner of capital asset management and maintenance for the granting of title.

SECTION 4. This transfer shall be for no compensation in satisfaction of the 1981 agreement between the town of Mashpee and the department of environmental management and as set forth in section 2 of chapter 287 of the acts of 1982.

SECTION 5. The commissioner of capital asset management and maintenance shall, 30 days before the execution of any agreement authorized by this act or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days after receipt of any agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereof, the reports and the comments of the inspector general, if any, to the house and senate committees

on ways and means and the chairmen of the joint committee on bonding, capital expenditures and state assets at least 15 days before execution.

Approved August 9, 2006.

Chapter 230. AN ACT AUTHORIZING THE DEPARTMENT OF CONSERVATION AND RECREATION AND THE DEPARTMENT OF FISH AND GAME TO ACQUIRE CONSERVATION RESTRICTIONS IN AND TO PARCELS OF LAND IN THE TOWN OF EGREMONT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which would permit forthwith the commonwealth to acquire interests in land in the town of Egremont, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commonwealth, acting by and through the department of fish and game or the department of conservation and recreation, in consultation with the division of capital asset management and maintenance, may take, pursuant to chapter 79 of the General Laws, or otherwise acquire, and the town of Egremont may convey, easements or lesser interests by means of conservation restrictions pursuant to sections 31, 32 and 33 of chapter 184 of the General Laws to ensure the protection of open space, for public recreation and to preserve water supply and wildlife habitat in and to all or a portion of certain parcels of land of the town of Egremont identified in section 2. These parcels were taken or acquired by the town of Egremont for water supply purposes. The conservation restrictions authorized in this section shall allow for the continuation of water supply purposes on all or a portion of the parcels, however the conservation restrictions may restrict or regulate, but not unreasonably limit, the acts or uses associated with conducting the water supply purposes. These conservation restrictions, if taken and not otherwise acquired, shall be subject to any easement or lesser interest in the land held by any person or governmental agency, except for the town of Egremont, that lawfully exists and that is recorded in the appropriate registry of deeds, unless the commonwealth, acting through the department of fish and game or the department of conservation and recreation, expressly takes the easement or lesser interest through eminent domain pursuant to said chapter 79.

SECTION 2. The parcels authorized in section 1 are all or any portion of the lands, including lands under water, in the town of Egremont described in certain deeds recorded in the Berkshire southern district registry of deeds in book 234, page 105 and book 988, page 314.

Approved August 9, 2006.

Chapter 231. AN ACT REGULATING THE REDETERMINATION OF MUNICIPAL SEWER ASSESSMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith redetermination of sewer assessments made by the uniform unit method, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 83 of the General Laws is hereby amended by striking out section 15A, as appearing in the 2004 Official Edition, and inserting in place thereof the following section:-

Section 15A. Any city at any meeting of the proper municipal authority, or any town at a town meeting, may, from time to time, redetermine the uniform rate or uniform unit fixed under section 15, or under any special law, and charged to abutters for, or to the existing and potential sewer units to be served by, the construction of sewers, but this section shall not apply to the Massachusetts Water Resources Authority.

Approved August 9, 2006.

Chapter 232. AN ACT RELATIVE TO THE HISTORIC DISTRICT COMMISSION OF THE TOWN OF PROVINCETOWN.

Be it enacted, etc., as follows:

SECTION 1. Section 3-4-9 of chapter 3 of the charter of the town of Provincetown, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out, in line 3, the words "historical commission" and inserting in place thereof the following words:- historic district commission.

SECTION 2. This act shall take effect upon its passage.

Approved August 9, 2006.

Chapter 233. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND IN THE TOWN OF STERLING.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to transfer forthwith certain land owned by the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital asset management and maintenance, in consultation with the department of conservation and recreation, notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws, may convey a conservation easement to Karen and Mark Packard, owners of the Sterling Greenery in the town of Sterling, for vegetation control and appurtenant uses subject to the terms of this act, the terms of said conservation easement and to such additional terms and conditions consistent with this act as the commissioner may prescribe in consultation with the department of conservation and recreation, on a certain parcel of commonwealth land in the town presently under the care and control of the department of conservation and recreation. The parcel is identified on the town of Sterling's assessor map 159 as lot 10, parcel 2 and is approximately 0.44 acres. The exact boundaries of the property described above shall be determined by the commissioner, in consultation with the department of conservation and recreation, after completion of a survey.

SECTION 2. The deed conveying the conservation easement shall contain all the standard provisions contained within the department of conservation and recreation watershed preservation restriction and conservation easement policy statement, as well as the following, site-specific conditions, that: (i) the land cannot be used to satisfy any zoning requirements or contribute to an increased footprint of the business infrastructure; (ii) no impervious surfaces shall be created; (iii) smaller trees and underbrush may be cleared to improve visibility from the highway; (iv) certain large overstory trees may be removed in consultation with the chief forester of the department of conservation and recreation or his designee for the purpose of benefiting the use of the land as a nursery business, but that removal of all overstory trees shall not be permitted; (v) storage, stockpiling and marketing of nursery-related products are permitted; (vi) business-related equipment may be used; (vii) clean fill may be used to raise the grade of the parcel in areas where the land is low; (viii) use, storage and stockpiling of hazardous materials, petroleum products, pesticides and herbicides is strictly prohibited; (ix) the parcel shall not be used for access purposes; and (x) physical evidence of the location of the boundary between this parcel and grantee's existing property shall be maintained for future monitoring purposes.

SECTION 3. No deed conveying, by or on behalf of the commonwealth, a conservation easement to the property described in section 1 shall be valid unless the deed contains the site-specific terms and conditions described in section 2. The deed shall also include a reversionary clause that stipulates that the property will revert to the commonwealth and assigned to the care, custody and control of the department of conservation and recreation if the property ceases to be used for the express purposes for which it was conveyed.

SECTION 4. The grantee of said property shall pay for all costs of any appraisals, surveys and other expenses for the conveyances authorized by this act as may be considered necessary by the commissioner.

SECTION 5. As compensation for the conveyance authorized in section 1, the grantee shall transfer to the commonwealth the fee interest in a parcel of land identified as lot 15 on the plan described in section 1, consisting of approximately 0.21 acres. The commissioner shall determine whether this parcel has an equal or greater value than the full and fair market value of the property described in section 1, or its value in use as proposed, whichever is greater, as determined by independent appraisal. If there is a disparity in these values in favor of the grantee, the grantee will pay a sum equal to the difference to the department of conservation and recreation, pursuant to sections 6 and 7 of this act. The exact boundaries of the property described above shall be determined by the commissioner, in consultation with the department of conservation and recreation, after completion of a survey.

SECTION 6. The commissioner shall, 30 days before the execution of any agreement or release deed authorized by this act, or any subsequent amendment thereof, submit the agreement, release deed or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of any agreement, release deed or amendment. The commissioner of the division of capital planning and operations shall submit the agreement, release deed and any subsequent amendments thereof, and the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on bonding, capital expenditures and state assets 15 days prior to execution.

SECTION 7. Any additional compensation received by the commonwealth pursuant to section 5 shall be deposited in the Water Supply Protection Trust established pursuant to section 73 of chapter 10 of the General Laws.

Approved August 9, 2006.

Chapter 234. AN ACT RELATIVE TO THE DISPOSITION OF LAND OWNED BY THE DEPARTMENT OF CONSERVATION AND RECREATION IN THE TOWN OF ROWLEY IN EXCHANGE FOR CERTAIN OTHER LAND LOCATED IN THE TOWN OF ROWLEY.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital asset management, on behalf of and in consultation with the commissioner of the department of conservation and recreation, may, notwithstanding sections 40F to 40I, inclusive, of chapter 7 of the General Laws, or any other applicable law, convey title to a certain parcel of land and any improvements located thereon currently under control of the department of conservation and recreation for conservation and recreation purposes for the Georgetown Rowley state forest, in the town of Rowley, to Sheriff Abuzahra of the town of Wakefield, his successors and assigns, the land having been originally acquired pursuant to chapter 633 of the acts of 1971.

This conveyance is subject to the requirements of this act, and to such additional terms and conditions consistent with this act as the commissioner may prescribe in consultation with the department of conservation and recreation. The parcel of land contains .95 acres, more or less, and is described as Parcel 3-RL-1 in an instrument of taking recorded with the Essex south registry of deeds in book 6069, page 590, as shown on a plan of land entitled "Plan of Road in the Town of Rowley, Essex County, Laid out as highway by the Department of Public Works", recorded with Essex south registry of deeds in plan book 130, plan 20. Consideration for this conveyance shall be $85,000 paid as described in section 2. The delivery, as evidenced by its recording, of the deed of Parcel 3-RL-1 shall be conclusive evidence that all the requirements of this act, including section 2, have been complied with.

SECTION 2. (a) In consideration for the transfer of the parcel as described in section 1, Sheriff Abuzahra shall:

(1) grant to the department of conservation and recreation, for access to the Georgetown-Rowley state forest, a contiguous 24-foot-wide easement for passage by foot and motor vehicle within and along the southeasterly boundary of land of Sheriff Abuzahra described in a deed of Robert P. Rudolph, trustee, to Sheriff Abuzahra, trustee of Spring-R Realty Trust, dated December 23, 1996, and recorded with said deeds in book 13908 at page 442 and also an easement for 5 parking spaces in the most southerly 125 feet of said easement for passage;

(2) acquire parcel 3-RL-1, as described in section 1, subject to a restriction reserving to the commonwealth a 10-foot, no build buffer along the southerly boundary between the Georgetown-Rowley state forest and the Sheriff Abuzahra land;

(3) pay to the Conservation Trust, pursuant to section 1 of chapter 132A of the General Laws, the sum of $85,000 as consideration for Parcel 3-RL-1, provided that such funds may be used to purchase the Warwick and Pierce parcel from the town of Rowley as described herein; and

(4) subject all of Sheriff Abuzahra's land abutting the Georgetown-Rowley state forest to a restriction in favor of the commonwealth of a 10-foot, no build buffer along the boundary between Georgetown-Rowley state forest and the Sheriff Abuzahra land.

(b) In consideration, the department of conservation and recreation shall:

(1) convey to Sheriff Abuzahra the parcel of land described as Parcel 3-RL-1, subject to the 10-foot, no build buffer along the state forest boundary; and

(2) accept payment of $85,000 as consideration for the sale of Parcel 3-RL-1 from Sheriff Abuzahra for deposit into the Conservation Trust to be used for the purchase of conservation property, including the tax title deed for the town of Rowley in book 7421, page 149 containing 21 acres, more or less, and the Warwick lot as described in a tax title deed for the town of Rowley in book 6948, page 470 containing 5 acres, more or less, from the town of Rowley for consideration of $66,200.

SECTION 3. The grantee of Parcel 3-RL-1 shall assume the cost of any appraisals, surveys and other expenses considered necessary by the commissioner of the division of capital planning and operations for the granting of title.

Approved August 9, 2006.

Chapter 235. AN ACT EXPANDING THE SHERWOOD GREENS ROAD IMPROVEMENT AND MAINTENANCE DISTRICT IN THE TOWN OF BECKET.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 31 of the acts of 1997 is hereby amended by adding the following subsection:-

(6) The following parcel and lakes, and other common areas that may be acquired by the district, and the improvements on these common areas, if any, or other improvements that may be added from time to time in accordance herewith, constitute the common areas of Sherwood Greens, and shall be maintained by the district for the benefit of all members of the district:

(a) Entranceway, Map 213, Lot 126 (0.12 acre) on Jacobs Ladder Road, Becket, Massachusetts, as shown on Plan recorded in the Berkshire middle district registry of deeds in Book 3065, Page 145;

(b) Longbow Lake (25 acres) as shown on Plan recorded in the Berkshire middle district registry of deeds as Sec 15 in Book 417-7, Page 158;

(c) Little Longbow Lake (3 acres) as shown on Plan recorded in the Berkshire middle district registry of deeds as Sec 15 in Book 417-7, Page 158;

(d) Silver Shield Lake (11 acres) as shown on Plan recorded in the Berkshire middle district registry of deeds as Sec 52 in Book 417-F, page 159;

(e) Golden Fawn Lake (3 acres) as shown on Plan recorded in the Berkshire middle district registry of deeds as Sec 11 in Book 417-F, Page 158-A.

SECTION 2. Section 2 of said chapter 31 is hereby amended by inserting after the words "within the district", in line 2, the following words:- , all common areas.

Approved August 9, 2006

Chapter 236. AN ACT AUTHORIZING THE TOWN OF HANOVER TO CONVEY CERTAIN PARK LAND.

Be it enacted, etc., as follows:

SECTION 1. The park and recreation committee of the town of Hanover may transfer care, custody and control of a certain parcel of park land to the board of selectmen for the construction of a senior center. Said parcel is a portion of Lot 14, Plan 69 of the assessor's maps and will be shown on a plan to be prepared for the senior center building committee.

SECTION 2. If the parcel authorized for transfer in section 1 ceases to be used for the purposes stated in section 1, the care, custody and control of the parcel shall revert to the park and recreation committee of the town of Hanover.

SECTION 3. This act shall take effect upon its passage

Approved August 9, 2006.

Chapter 237. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO RELEASE A PORTION OF AN EASEMENT IN THE CITY OF SOMERVILLE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the partial release of a certain water supply and drain easement in favor of the commonwealth in the city of Somerville, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance, in consultation with the Massachusetts Water Resources Authority, may release, subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, to Conwell Capen, LLC, a Massachusetts limited liability company and owner of the premises known and numbered

as 405 Alewife Brook Parkway, and its successors or assigns, a certain portion of an easement encumbering said premises, reserved by the metropolitan district water supply commission by deed dated April 8, 1954, for water supply and drains in the city of Somerville and recorded with the Middlesex county south district registry of deeds in book 8251 at page 193. The certain portion to be released is shown as "Existing Easement Area (14,634 +/- square feet) to be Released by the Commonwealth of Massachusetts, Massachusetts Water Resources Authority" on a plan entitled "Easement Plan 1 Capen Court a/k/a 405 Alewife Brook Parkway, Somerville, MA", dated November 10, 2005, by Mistry Associates, Inc.

The plan shall be recorded in the Middlesex county south district registry of deeds as provided in section 3. Furthermore, no fence enclosing the remaining easement shall be required.

SECTION 2. The consideration for the partial release of easement described in section 1 shall be the completion and operation of the proposed development at 405 Alewife Brook Parkway as affordable senior housing with supportive services, including assisted living, for a compliance period of not less than 30 years under certain use restriction and regulatory agreements to be entered into in connection with the affordable housing subsidies granted to the proposed development. Further consideration shall be grant of an additional easement by Conwell Capen, LLC, to the Massachusetts Water Resources Authority over the area shown as "Proposed Easement Area (540 +/- square feet) to be Granted to the Commonwealth of Massachusetts" in the plan described in section 1.

SECTION 2A. The exact boundaries of the property described in sections 1 and 2 shall be determined by the commissioner of capital asset management and maintenance, in consultation with the Massachusetts Water Resources Authority, after completion of a survey.

SECTION 3. The commissioner of capital asset management and maintenance, 30 days before the execution of any agreement or release authorized by this act or any subsequent amendment thereof, shall submit the agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of the inspector general, if any, to the house and senate committees on ways and means and the house and senate chairmen of the joint committee on bonding, capital expenditures and state assets at least 15 days before the execution of the agreement.

SECTION 4. The owner of land benefiting from the partial release of the easement shall be responsible for any costs for surveys, recording and other expenses relating to the release, or for any costs and liabilities of any nature and kind for its development, maintenance or operation.

Approved August 9, 2006.

Chapter 238. AN ACT AUTHORIZING THE CONVEYANCE OF CERTAIN PARCELS OF LAND IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith conveyance of certain land, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance shall, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law, rule or regulation to the contrary, and in consultation with the commissioner of the department of conservation and recreation, convey a certain parcel of state-owned land in the town of Winthrop to Forty-Five Grovers Avenue LLC. Said parcel shall be kept in an open, natural, and vegetated condition, free from paving and structures. Such conveyance shall be on terms acceptable to the commissioner of the division of capital asset management and maintenance after consultation with the commissioner of the department of conservation and recreation. The parcel of land, currently under the care and control of the department of conservation and recreation, directly abuts property on Forty-Five Grovers Avenue, as shown on book 7979, page 93, located in the Suffolk county registry of deeds, and as parcel number 063-070 on a plan of land located in the Winthrop tax assessors. The exact boundaries of the parcel shall be determined by the commissioner of capital asset management and maintenance in consultation with the commissioner of the department of conservation and recreation after completion of a survey.

SECTION 2. In consideration for the conveyance authorized by Section 1, Forty-Five Grovers Avenue LLC, shall pay to the commonwealth the full and fair market value of the property, as determined by an independent professional appraisal ordered by the commissioner of the division of capital asset management and maintenance. The appraisal shall be prepared in accordance with usual and customary professional appraisal practices by a qualified appraiser commissioned by the commissioner of the division.

The inspector general shall review and approve the appraisal. The inspector general shall prepare a report of his review of the methodology used in the appraisal and shall file the report with the commissioner for submission to the house and senate committees on ways and means and the chairmen of the joint committee on bonding, capital expenditures and state assets. The commissioner shall, 30 days before the execution of any agreement authorized by this act, or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereof, the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on bonding, capital expenditures and state assets at least 15 days before execution.

SECTION 3. No deed conveying the parcel of land from the commonwealth to Forty-Five Grovers Avenue LLC shall be valid unless it contains a provision prohibiting Forty-Five Grovers Avenue LLC from constructing or otherwise building any residential, commercial or other structure on the property and unless the deed provides that the property shall be kept in an open, natural, and vegetated condition, free from paving and structures. The deed shall include a reversionary clause providing that the property shall revert to the commonwealth, and to the care and control of the department of conservation and recreation, if the property ceases to be used for the express purpose for which it was conveyed.

SECTION 4. Forty-Five Grovers Avenue LLC shall bear all costs considered necessary or appropriate by the commissioner of the division of capital asset management and maintenance for the conveyance, including without limitation, all costs for appraisals, legal work, survey, title and the preparation of plans and specifications or other expenses incurred by the commonwealth to effectuate the conveyance authorized by section 1.

SECTION 5. All proceeds from the sale of this property shall be deposited in the Division of Urban Parks Trust Fund, established by section 34 of chapter 92 of the General Laws.

SECTION 6. The inspector general shall review and approve any deed or other document transferring an interest in property authorized by section 1 prior to its execution.

SECTION 7. The commissioner of capital asset management and maintenance may, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, or any other general or special law, rule or regulation to the contrary, in consultation with the commissioner of the department of conservation and recreation, transfer the care, custody, management and control of so much of the property known as the Pawtucket Boulevard Node as contains the Bellegarde Boathouse, together with the land and appurtenances associated therewith, located on a certain portion of state-owned public park land in the city of Lowell, to the trustees of the University of Massachusetts for nominal consideration, for use by the trustees as a boathouse and public park land. This property is shown on a deed dated September 27, 1977, and recorded in the Middlesex North registry of deeds at book 2269, page 359. The exact boundaries of the land shall be determined by the commissioner of capital asset management and maintenance, in consultation with the commissioner of the department of conservation and recreation, after completion of a survey. This transfer shall be on terms acceptable to the commissioner of the division of capital asset management and maintenance after consultation with the commissioner of the department of conservation and recreation and shall require appropriate public access to the public park land and boathouse facility and stewardship by the trustees according to the department of conservation and recreation and federal National Park Service policy for such facilities and park land.

SECTION 8. The trustees of the University of Massachusetts shall bear all costs considered necessary or appropriate by the commissioner of the division of capital asset management and maintenance for the transaction, including, without limitation, all costs for legal work, survey, title and the preparation of plans and specifications.

SECTION 9. If the property ceases to be used at any time for the purposes described in section 7, is used for any purpose other than the purpose stated in section 7 or in any way fails to comply with the department of conservation and recreation and federal National Park Service policy for such facilities and park land, the care, custody, control and management of the property, upon notice by the commissioner of the division of capital asset management and maintenance, shall revert to the department of conservation and recreation. Any document so transferring the property shall include a reversionary clause that provides that the care, custody, control and management of the property shall revert to the department of conservation and recreation if the property ceases to be used for the express purpose for which it was transferred.

Approved August 9, 2006.

Chapter 239. AN ACT AUTHORIZING THE TOWN OF WESTFORD TO GRANT A RESTRICTIVE COVENANT THROUGH TOWN OWNED LAND FOR THE NEW CAMERON SENIOR CENTER SEPTIC SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. The town of Westford may grant to a qualified entity a perpetual nitrogen loading and restriction easement through a conservation restriction on all or part of land owned by the town under the care and custody of the conservation commission to meet the requirements of Title 5 of the state environmental code regarding the aggregation of flows and nitrogen loading to allow for the installation of a new septic system at the Cameron Senior Center at 20 Pleasant street in said town. The land is shown as Parcel 10.1 of the Westford Assessor's Map number 25.

SECTION 2. This act shall take effect upon its passage.

Approved August 9, 2006.

Chapter 240. AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO GRANT EASEMENTS TO ALGONQUIN GAS TRANSMISSION, LLC AND COLONIAL GAS COMPANY D/B/A KEYSPAN ENERGY DELIVERY NEW ENGLAND.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize the division of capital asset management and maintenance to convey certain easements across commonwealth property within the Shawme-Crowell State Forest and the Upper Cape Water Supply Reserve within the Massachusetts Military Reservation

and in the towns of Sandwich and Bourne, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation and the division of fisheries and wildlife respectively, may, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, convey permanent and temporary easements, including extra work space rights and permanent and temporary access road rights and any improvements located thereon, over, under and through portions of certain parcels of land in the Shawme-Crowell State Forest and the Upper Cape Water Supply Reserve and other lands within the Massachusetts Military Reservation and located in the towns of Sandwich and Bourne which are currently under the control of and used by the department of conservation and recreation and the division of fisheries and wildlife, for recreation and natural resource purposes to Algonquin Gas Transmission, LLC, a Delaware limited liability company, its successors and assigns, solely for the purposes of laying, constructing, maintaining, accessing, operating, replacing, repairing, abandoning and removing natural gas pipelines and appurtenant facilities for the transmission of natural gas, including cathodic protection and related facilities, subject to the provisions of sections 3 and 4 of this act, and to such reasonable additional terms and conditions consistent with this act as the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation and the director of may prescribe. The parcels are more particularly described: (a) as the so-called "Dillingham Lots" in a deed to the Commonwealth of Massachusetts recorded in Book 517, Page 155 of the Barnstable county registry of deeds, and (b) as parcels of land that were taken by the Commonwealth of Massachusetts pursuant to 2 Orders of Taking recorded in that registry of deeds at Book 400, Page 428 and Book 409, Page 8, respectively. The pipeline shall be situated on such land for 14,224 linear feet in the aggregate, more or less, and the permanent easement to be granted shall apply to 16.1 acres of land in the aggregate, more or less, as more fully described on 6 plans each entitled "Algonquin Cape Cod Project, Proposed 18" Pipe Line, Sandwich & Bourne, Mass., Article-97 Filing" prepared by Algonquin Gas Transmission, LLC and numbered respectively as Dwg. BB-Z-2023, Dwg. BB-Z-2024, Dwg. BB-Z-2025, Dwg. BB-Z-2026, Dwg. BB-Z-2027 and Dwg. BB-Z-2028. The permanent and temporary access roads that will affect land, believed to be owned by the commonwealth pursuant to this deed and Orders of Taking and an Order of Taking recorded in that registry of deeds at Book 514, Page 127, are more particularly shown on a plan entitled "Algonquin Cape Cod Project, Article 97 Reference Plan – Access Roads" prepared by Algonquin Gas Transmission, LLC, which plan is numbered as Dwg. BB-Z-2030. Each of these plans is filed with the department of conservation and recreation and the division of fisheries and wildlife. The temporary work

easements, extra work space easements and temporary access road easements that are shown on the plans shall expire and revert to the commonwealth upon completion of initial pipeline construction and restoration of permanent easement areas. Modifications to the easement description set forth in the plans described above may be made in order to conform to the requirements of the federal energy regulatory commission and with a final land survey, as accepted by the division and the department before any conveyance to carry out the purposes of this act.

SECTION 2. The commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, convey permanent and temporary easements, including extra work space rights and permanent and temporary access road rights and any improvements located thereon, over, under and through portions of a certain parcel of land in the Shawme-Crowell State Forest located in the towns of Sandwich which is currently under the control of and used by the department of conservation and recreation for recreation and natural resource purposes to Algonquin Gas Transmission, LLC, a Delaware limited liability company, its successors and assigns, and Colonial Gas Company d/b/a/ KeySpan Energy Delivery New England, its successors and assigns, solely for the purposes of laying, constructing, maintaining, accessing, operating, replacing, repairing, abandoning and removing natural gas pipelines and appurtenant facilities for the transmission and distribution of natural gas, including a meter station, receiver, cathodic protection and related facilities, subject to sections 3 and 4, and to such reasonable additional terms and conditions consistent with this act as the commissioner of capital asset management and maintenance, in consultation with the commissioners of conservation and recreation and the director, may prescribe. The parcel is claimed and administered by the commonwealth of Massachusetts as part of the Shawme-Crowell State Forest and is believed to be a portion of a 117 acre parcel of land situated north of Forestdale on the public or private way now or formerly known as the Falmouth – Sandwich road conveyed to the commonwealth of Massachusetts under a deed recorded in the registry of deeds at Book 517, Page 155. The parcel is otherwise described as Lot 7 on the town of Sandwich Assessors Map 32. The pipeline and related facilities shall be situated on this parcel of land for 226 linear feet in the aggregate, more or less, and the permanent easement to be granted shall apply to 0.77 acres of the land in the aggregate, more or less, as more fully described on a plan entitled "AGT Cape Cod Project, Proposed Meter Station and Receiver, Located at Rte-130 and Rte-6" prepared by Algonquin Gas Transmission, LLC and numbered as Dwg. No. BB-Z-2029. The land includes the interest of the commonwealth of Massachusetts in the public or private ways now or formerly known as "Old County Road" or "Old State Highway" to the full extent of the interest of the commonwealth therein. The permanent and temporary access roads that will affect land, believed to be owned by the commonwealth pursuant to this deed and Orders of Taking recorded in the registry of deeds at Book 400, Page 428, Book 409, Page 8 and Book 514, Page 127, are more particularly shown on a plan entitled "Algonquin

Cape Cod Project, Article 97 Reference Plan – Access Roads" prepared by Algonquin Gas Transmission, LLC, which is numbered as Dwg. BB-Z-2030. Each of these plans is filed with the department of conservation and recreation. The temporary work easements, extra work space easements and temporary access road easements shall expire and revert to the commonwealth upon completion of initial pipeline construction and restoration of permanent easement areas. Modifications to the easement description set forth in the plans described above may be made in order to conform to the requirements of the federal energy regulatory commission and with a final land survey, as accepted by the divisions and the department, before any conveyance to carry out the purposes of this act.

SECTION 3. There shall be an independent appraisal, or appraisals, of the easements described in section 1 and an independent appraisal, or appraisals, of the easements described in section 2 to be conveyed as authorized by this act to determine the full and fair market value, or the value in use as proposed, based upon 1 or more professional appraisals as commissioned by the commissioner of capital asset management and maintenance. In order to expedite the conveyances authorized by this act, the commissioner may, in consultation with the commissioner of conservation and recreation and the director of fisheries and wildlife, accept any appraisal or appraisals of these easements which may have been conducted before the effective date of this act and which may have been accepted and agreed to by the division and the department. The grantees of these easements shall compensate the commonwealth in an amount greater than, or equal to, the full and fair market value, or the value in use of these easements as proposed, whichever is greater, as determined by these independent appraisals. The grantees of these easements shall assume all costs associated with any engineering, surveys, appraisals, deed preparation and other expenses deemed necessary by the commissioner of capital asset management and maintenance to execute the conveyances authorized by this act. All money paid to the commonwealth by Algonquin Gas Transmission, LLC and Colonial Gas Company d/b/a/ KeySpan Energy Delivery New England as a result of the conveyance of the easements authorized by this act shall be deposited in the general fund of the commonwealth.

The commissioner of capital asset management and maintenance shall submit these appraisals and a report thereon to the inspector general for his review and comment. The inspector general shall review and approve the appraisal or appraisals, and the review shall include an examination of the methodology used for the appraisal or appraisals. The inspector general shall prepare a report of his review and file the report with the commissioner for submission by the commissioner to the house and senate committees on ways and means and the chairmen of the joint committee on bonding, capital expenditures and state assets. The commissioner shall submit copies of the appraisals, his report, and the inspector general review and approval, and comments, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on bonding, capital expenditures and state assets before the execution of the conveyances.

SECTION 4. No easement instruments conveying, by or on behalf of the common-

wealth, the easements described in sections 1 and 2 shall be valid unless such instruments provide that the easements shall be used solely for the purposes described in section 1 and section 2, respectively. The easement instruments shall include a clause which shall state that if the easements cease to be used by Algonquin Gas Transmission, LLC and by Colonial Gas Company d/b/a/ KeySpan Energy Delivery New England, or their respective successors or assigns, for the purposes described in sections 1 and 2 at any time, the easements shall revert to the commonwealth under the control of and used by the department of conservation and recreation and the division of fisheries and wildlife, upon such terms and conditions as the commissioner of capital asset management and maintenance may determine. If these easements revert to the commonwealth, any further disposition of the easements shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, and the prior approval of the general court.

SECTION 5. The military departments of the commonwealth, specifically including the special military reservation commission, the Massachusetts National Guard, the Massachusetts Air National Guard and their respective commandants, commanders, adjutant generals and quartermasters, shall consent to the easements and conveyances described in sections 1 and 2 to the extent these departments and officials have commands, duties or responsibilities with respect to the Massachusetts Military Reservation that are affected by these easements and conveyances.

Approved August 9, 2006.

Chapter 241. AN ACT RELATIVE TO ALLOWING THE TOWN OF WINCHESTER TO DRAW WATER FROM SPOT POND.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow the town of Winchester to draw water from Spot Pond, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the withdrawal of water from Spot Pond reservoir by the town of Winchester under the Spot Pond Elevation Management Agreement between the town of Winchester and the Massachusetts Water Resources Authority dated October 27, 2002 shall be considered a water sharing agreement for the purpose of chapter 21G of the General Laws and as defined in 310 CMR 36.00. The town of Winchester may withdraw water from Spot Pond so long as it is in compliance with this agreement and said chapter 21G.

Approved August 9, 2006.

Chapter 242. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND IN THE TOWN OF SAUGUS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize the division of capital asset management and maintenance to convey a certain parcel of land in the town of Saugus to Caruso Music Company, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding sections 40E through 40J, inclusive, of chapter 7 of the General Laws, section 22 of chapter 420 of the acts of 1930 and section 4 of chapter 372 of the acts of 1984, the commissioner of capital asset management and maintenance, in this act called the commissioner, shall convey, on behalf of and in consultation with the department of conservation and recreation, by deed, to Caruso Music Company, a corporation organized under the laws of Massachusetts, title to a certain parcel of land in the town of Saugus, containing 3.822 acres, more or less, located on the east side of state highway route 1 in the town of Saugus, beginning at a point on the sideline of state highway route 1 and the northerly corner of the 1932 layout of the Lynn Fells parkway at a point perpendicular to station 157+54.46; thence running along the sideline of state highway route 1 south 19 degrees, 29 minutes 12 seconds west a distance of 212.93 feet to a point; thence turning and running south 70 degrees 30 minutes 48 seconds east a distance of 70.00 feet to a point; thence turning and running north 51 degrees 58 minutes 15 seconds east a distance of 101.25 feet to a point; thence turning and running north 51 degrees 41 minutes 12 seconds east a distance of 145.99 feet to a point of curvature; thence running by a curve turning to the right and an arc length of 813.40 feet and a radius of 925.00 feet to a point of tangency; thence running north 77 degrees 55 minutes 48 seconds west a distance of 6.20 feet to a point; thence turning and running north 02 degrees 10 minutes 03 seconds east a distance of 152.08 feet to a point; thence turning and running by a curve turning to the left and an arc length of 925.35 feet and a radius of 1075.00 feet, to a point of tangency; thence running south 51 degrees 41 minutes 12 seconds west a distance of 91.53 feet to a point; thence turning and running north 67 degrees 14 minutes 53 seconds west a distance of 26.51 feet to a point, which is the point of beginning; provided that said conveyance shall not occur until: (1) the land has been determined to be surplus by the commissioner pursuant to section 40F and 40F½ of chapter 7 of the General Laws; and (2) the Caruso Music Company and the Massachusetts Water Resources Authority have entered into a binding agreement requiring the Caruso Music Company to relocate, at its sole expense, the Authority's water main currently situated on the parcel of land to be conveyed under this section to the easement described in this section 1 and completed final plans in connection with such relocation. The conveyance shall be subject to such terms and conditions as the commissioner may prescribe

in consideration for any such parcels of land, described in section 2 of this act, that may be acquired by the commissioner from the Caruso Music Company.

The conveyance of the parcel described in this section shall be made subject to an easement for the benefit of the Massachusetts Water Resources Authority to permanently construct, inspect, repair, renew, replace, operate and forever maintain a water supply pipeline and related appurtenances, in, through and under the parcel at the present location on the Massachusetts Water Resources Authority's northern high service pipeline, section 70. The easement shall be 40 feet in width, measuring a distance of 20 feet on either side of the centerline of the existing pipeline and shall extend the full length of the pipeline alignment on the parcel. The easement shall be non-exclusive, however, unless the written consent of the Massachusetts Water Resources Authority shall have been obtained, no buildings or structures shall be erected or maintained in or upon any part of the easement. Subject to the prior review and approval of the Massachusetts Water Resources Authority, the easement and pipeline may be relocated at the sole expense of the fee owner. Notwithstanding any other general or special law to the contrary, the commissioner shall convey to the town of Saugus all of the remaining land currently under the care, custody and control of the department of conservation and recreation located east of route 1 as part of the 1932 layout of the Lynn Fells parkway not otherwise in this section conveyed to Caruso Music Company. The parcel shall be under the care, custody and control of the conservation commission of the town for open space purposes, provided that the commissioner shall retain on behalf of the commonwealth, through its department of conservation and recreation, a perpetual conservation restriction subject to the benefits of section 32 of chapter 184 of the General Laws as acceptable to the commissioner.

SECTION 2. The Caruso Music Company shall convey by deed to the commissioner, and the commissioner may acquire, on behalf of the department of conservation and recreation for conservation purposes, a certain parcel of land, containing 2.955 acres, more or less, located on the west side of state highway route 1 in the town of Saugus, beginning at a point at the westerly sideline of state highway route 1, at the northeasterly corner of the below described parcel, at land now or formerly of Walnut Associates; thence running by the sideline of state highway route 1 south 19 degrees 52 minutes 16 seconds west a distance of 300.00 feet to a point; thence turning and running north 34 degrees 51 minutes 40 seconds west a distance of 43.34 feet to a point; thence turning and running north 70 degrees 07 minutes 44 seconds west a distance of 59.95 feet to a point; thence turning and running south 51 degrees 45 minutes 46 seconds west a distance of 49.30 feet to a point; thence turning and running south 19 degrees 52 minutes 16 seconds west a distance of 128.14 feet to a point; thence turning and running north 70 degrees 07 minutes 44 seconds west a distance of 28.62 feet to a point; thence turning and running south 19 degrees 52 minutes 16 seconds west a distance of 91.88 feet to a point; thence turning and running north 85 degrees 43 minutes 45 seconds west a distance 145.35 feet to a point; thence turning and running north 19 degrees 52 minutes 16 seconds east a distance of 601.54

feet by land now or formally of the commonwealth to a point; thence turning and running south 65 degrees 05 minutes 12 seconds east a distance of 291.12 feet to a point, which is the point of beginning.

SECTION 3. The commonwealth shall receive as additional consideration the difference between the full and fair market value of the state parcels described in section 1 minus the full and fair market value of the parcels described in section 2, if any such difference exists. Notwithstanding any general or special law to the contrary, if the appraised value of the parcels described in section 2 is determined to be greater than the appraised values of the parcels described in section 1, the commonwealth need not pay the difference as additional consideration to the Caruso Music Company. The appraisals shall be prepared in accordance with usual and customary professional appraisal practices by a qualified appraiser commissioned by the commissioner. For the purposes of these appraisals, the fair market value of the property shall be calculated in its new use as assembled with other lands owned or otherwise controlled by the Caruso Music Company.

The inspector general shall review and approve the appraisals. The inspector general shall prepare a report of his review of the methodology used in the appraisals and shall file the report with the commissioner for submission to the house and senate committees on ways and means and the chairmen of the joint committee on bonding, capital expenditures and state assets. The commissioner shall, 30 days before the execution of any agreement authorized by this act, or any subsequent amendment thereto, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereto, the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on bonding, capital expenditures and state assets at least 15 days before execution.

SECTION 4. In no instance shall the parcel described in section 1 be developed or built upon within 100 feet of the Saugus River.

SECTION 5. No deed conveying the parcel of land from the commonwealth to the Caruso Music Company shall be valid unless it contains a reversionary clause providing that the property shall revert to the commonwealth, and to the care and control of the department of conservation and recreation, if the property ceases to be used for the express purpose for which it was conveyed as so determined by the commissioner of capital asset management and maintenance, in consultation with the commissioner of the department of conservation and recreation.

SECTION 6. The Caruso Music Company shall bear all costs considered necessary or appropriate by the commissioner for the conveyance, including without limitation, all costs for appraisals, legal work, survey, title and the preparation of plans and specifications or other expenses incurred by the commonwealth to effectuate the conveyance authorized by section 1. The Caruso Music Company shall pay all costs associated with relocating the existing Massachusetts Water Resources Authority water main, as described in said section

1, subject to the prior review and approval of the Massachusetts Water Resources Authority.

SECTION 7. The inspector general shall review and approve any deed or other document transferring an interest in property authorized by section 1 before its execution.

SECTION 8. All proceeds from the sale of this property shall be deposited in the Division of Urban Parks Trust Fund, established by section 34 of chapter 92 of the General Laws.

SECTION 9. The Caruso Music Company and its agents, tenants or contractors agree to hold the commonwealth and its agents and employees harmless from and against all claims, actions, damages or costs claimed for injuries or damages to persons or property arising out of, or in any way relating to, the conveyances authorized by this act, and shall indemnify and defend the commonwealth and its agents and employees from and against any and all such claims, actions, damages or cost.

Approved August 9, 2006.

Chapter 243. AN ACT AUTHORIZING THE DISPOSITION OF EASEMENTS OR OTHER INTERESTS IN LAND IN THE TOWN OF UXBRIDGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith certain dispositions of interests in land, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance, on behalf of and in consultation with the commissioner of conservation and recreation, may, notwithstanding sections 40F to 40J, inclusive, of chapter 7 of the General Laws, convey, modify or release interests in certain parcels of land and any improvements located thereon currently under the control of and used by the department of conservation and recreation for conservation and recreation purposes as part of the Blackstone river and Canal Heritage State Park located in the town of Uxbridge, to Deane Redevelopment, grantee, of the city of Boston, its successors and assigns, in order to provide additional, shared parking space for commercial redevelopment of the former Stanley Woolen Company building and land located immediately adjacent to the state park, to provide additional means of vehicular and pedestrian access to and adjacent to the building and to make improvements, including the construction of bridges, that will provide or enhance public access to and use of the building and the state park, subject to the requirements of sections 2 to 9, inclusive, and to such additional terms and conditions consistent with this act as the commissioner of capital asset management and maintenance may prescribe in consultation with the department. The property authorized to be conveyed by this act may not be used to increase building density

on adjacent land or to create additional lots. The area to be affected by the conveyances consists of approximately 163,435 square feet, or 3.75 acres, of land, and is a portion of a parcel of land conveyed to the commonwealth by instrument recorded with the Worcester county registry of deeds in Book 9338, Page 44, and shown on a plan of land entitled "Calumet Mill Properties Belonging to the Calumet Woolen Company at Uxbridge, Massachusetts," recorded with the Worcester registry of deeds in Plan Book 10, Plan 11. Modifications to the dimensions of the area to be affected by the conveyance, and any revisions required by the commissioner to determine the exact boundaries in consultation with the department of conservation and recreation, may be made before conveyance to carry out the purposes of this act.

SECTION 2. No document of conveyance given by or on behalf of the commonwealth for the property described in section 1 shall be valid unless such document provides that the property shall be used solely for the purposes described in said section 1. The document of conveyance shall include a reversionary clause which, upon exercise by the division of capital asset management and maintenance on behalf of the commonwealth as evidenced in the appropriate registry of deeds, shall result in termination or release of the rights authorized in this act and return of the unencumbered fee interest in the property to the commonwealth, under the care, custody and control of the department of conservation and recreation, if the property ceases to be used for the express purposes for which it was conveyed.

SECTION 3. The consideration for the conveyance shall be the full and fair market value of the property based upon an independent professional appraisal as determined by the commissioner of the division, the payment of which shall be made to the extent such value exceeds the fair market value of similar rights in land conveyed by the grantee to the commonwealth, as provided in clause (a) of section 5, and which, at the discretion of the commissioner of the division, in consultation with the department, may be paid in installments.

The inspector general shall review and approve the appraisal. The inspector general shall prepare a report of his review of the methodology used for the appraisal. The inspector general shall prepare a report of his review and file the report with the commissioner of the division for submission to the house and senate committees on ways and means and the chairmen of the joint committee on state administration. The commissioner shall, 30 days before the execution of any agreement authorized by this act, or any subsequent amendment thereof, submit the agreement or amendment and a report thereto to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereto, the reports and the comments of the inspector general to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least 15 days before the conveyance authorized by this act and the execution of the memorandum of agreement described in clause (h) of section 5 or any subsequent amendment thereto.

SECTION 4. The grantee shall pay for all costs of the appraisal, survey and deed preparation for the conveyance of the property as deemed necessary by the commissioner of capital asset management and maintenance.

SECTION 5. In addition to the compensation required in section 3, the grantee shall convey other interests in certain land to the commonwealth, to be under the care and control of the department of conservation and recreation, in order to: (a) provide additional, shared public parking space and access rights for the benefit of the state park on an area containing approximately 178,060 square feet, or 4.09 acres, of land and, at the appropriate phase of redevelopment of the mill building complex, to construct such parking and access; (b) at the appropriate phase of redevelopment of the mill building complex, construct and maintain a bridge over the Blackstone canal, mill tail race, to allow vehicular access to the additional parking areas; (c) if the commonwealth has not yet remediated and capped an area of contaminated park land, remediate and cap such area of contaminated land to be used for additional parking; (d) design and construct parking areas and other improvements, including environmental remediation activities, to minimize visual, resource and aesthetic impacts and enhance the historic character of the mill building and adjacent areas; (e) open to park visitor use all common areas and sanitary facilities in the mill building at all hours that retail businesses in the building are open; (f) from the date that at least 30,000 square feet of the mill building are subject to third party leases of 1 year or more, maintain at grantee's expense any developed or existing parking areas it owns or which are subject to the lease, easement or other document of conveyance authorized by this act; (g) ensure all plans, final design and construction of parking or other improvements facilitate connection of the Blackstone bicycle trail by or through the commonwealth's and grantee's property; and (h) abide by and carry out these and other tasks as described in a memorandum of agreement consistent with the provisions of this act between the grantee and the department on file with the department. The grantee shall assume the cost of any title, environmental assessment or remediation, surveys or revisions as required by the commissioner of the division to determine the exact boundaries, in consultation with the department of conservation and recreation, and other expenses reasonably deemed necessary by the commissioner of capital asset management and maintenance for the granting of rights.

SECTION 6. The commissioner of conservation and recreation shall submit the memorandum of agreement referred to in section 5, or any subsequent amendment thereto, and a report thereon, to the commissioner of capital asset management and maintenance and the inspector general for their review and comment. The commissioner of the division and the inspector general shall issue their review and comment within 30 days of receipt of the memorandum of agreement or any amendment thereto. The commissioner of the division shall submit the agreement and any subsequent amendments thereto, the reports, and his comments and the inspector general's to the house and senate committees on ways and means and to the chairmen of the joint committee on state administration at least 15 days before the conveyance and the execution of the memorandum or any subsequent amendment thereto.

SECTION 7. If, after 5 years from the conveyance of the rights or interests granted pursuant to this act: (a) less than $300,000 has been invested in construction, repair, or rehabilitation of the mill building; (b) less than 10,000 square feet of the building is subject to third party leases of 1 year or more; (c) more than 10 per cent of the gross area of the building is in residential use; (d) more than 60 per cent of the gross floor area of the building has been condemned for demolition or is demolished or destroyed, by casualty or otherwise; (e) substantial construction of any of the work described in clauses (a) through (c), inclusive, of section 5 has not commenced, then, in accordance with the standards, criteria or process described in the memorandum of agreement referred to in said section 5, and the reversionary clause provisions under in section 9, the property rights authorized by this act are subject to lapse and may be terminated by the department at its option, in which case the commonwealth, acting through the division of capital asset management and maintenance, in consultation with the department, may release the rights in land acquired from the grantee in consideration for those granted by the commonwealth under this act, without further legislative authority, and the commonwealth and the grantee, its successors and assigns, shall execute and deliver any documents necessary to confirm or effect such lapse, termination and release of property rights.

SECTION 8. Any compensation received by the commonwealth in connection with the conveyance authorized by this act or the memorandum of agreement described in section 5 shall be deposited in the Conservation Trust established pursuant to section 1 of chapter 132A of the General Laws and may be used only for the benefit of facilities and programs in the Blackstone river and Canal Heritage State Park. If any such compensation received by the commonwealth in connection with the rights conveyed in accordance with this act and deposited in the Conservation Trust is used for any other purpose, or at any other location, other than for the benefit of the Blackstone river and Canal Heritage State Park, the full amount of that compensation shall be withdrawn from the Conservation Trust and shall be deposited in the General Fund.

SECTION 9. If the property described in section 1 ceases to be used at any time for the purpose described in said section 1, or is used for any purpose other than the purpose stated in this act, or if the grantee fails to comply with the terms set forth in this act, the property, upon notice of the commissioner of capital asset management and maintenance, in consultation with the department, shall revert to the commonwealth under the care and control of the department of conservation and recreation. Any sub-lease or third party lease granted by the grantee, described in said section 1 and in existence under clause (b) of section 7 at the time of the reversion of the property, shall remain in effect for a period of not more than 5 years after the effective date of the reversion of the property, notwithstanding the terms of any such sub-lease or third party lease by the grantee on the property. Any further disposition of the property shall be subject to the provisions of sections 40E to 40J,

inclusive, of chapter 7 of the General Laws, and shall require the prior approval of the general court.

Approved August 9, 2006.

Chapter 244. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF WASHINGTON.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance may, notwithstanding sections 40E to 40G, inclusive, and section 40I of chapter 7 of the General Laws, sell and convey by deed a certain parcel of land known and numbered as 509 Summit Hill road in the town of Washington, together with any buildings and structures located thereon, in this act called the parcel, subject to the requirements of this act. The exact boundaries of the parcel shall be determined by the commissioner after completion of a survey.

The parcel was the subject of the last will and testament of Harry C. Shaw, late of the town of Washington, which last will and testament dated January 18, 1956, together with the first codicil dated March 7, 1960 and the second codicil dated June 29, 1962 thereto in this act called collectively the will, is filed with the Berkshire division of the probate and family court department as case number 7600. The will devised the parcel to Berkshire community college, after the expiration of a life tenancy, "to be converted into cash and then held as a fund, the income from which shall be used for scholarship or scholarships of worthy students of the College as may be determined by those members of the College faculty whose duty it is to allot scholarships. The name of the fund shall be the Harry C. Shaw Fund". The life tenancy ended in 1996. Pursuant to chapter 40E of chapter 7 of the General Laws, title to the parcel is held by the commonwealth.

SECTION 2. The sale price paid by the grantee for the parcel shall be not less than the fair market value of the parcel as determined by the commissioner based on an independent appraisal made by a qualified, disinterested appraiser.

SECTION 3. The grantee of the parcel shall be responsible for the costs of any appraisals; surveys, including without limitation the costs of preparing a recordable plan and the costs of recording that plan with the appropriate registry of deeds or filing that plan with the appropriate registry district of the land court; and other expenses relating to the transfer of the parcel considered necessary by the commissioner for the conveyance of the parcel to the grantee.

SECTION 4. In recognition of the purpose for which Harry C. Shaw bequeathed the

parcel, the net proceeds from the sale of the parcel shall not be deposited into the General Fund but shall be transferred to Berkshire community college to be used for the purposes specified in the will.

Approved August 9, 2006.

Chapter 245. AN ACT AUTHORIZING AN EASEMENT OR LEASE OF LAND BY THE CONSERVATION COMMISSION OF THE TOWN OF FALMOUTH.

Be it enacted, etc., as follows:

SECTION 1. The conservation commission of the town of Falmouth may grant an easement or lease to the United States of America, acting by and through the United States Department of the Army, Army Corp of Engineers, their successors and assigns, to install a ground water extraction well on land under the commission's jurisdiction off state route 151 in Hatchville, known as the Coonamessett Reservation, upon such terms and conditions as the commission considers appropriate.

SECTION 2. No instrument conveying, by or on behalf of the town of Falmouth, title to the property interest described in section 1, shall be valid unless the instrument provides that the property interest shall be used solely for the purposes described in section 1. The instrument shall include an extinguishment clause that provides that the lease or easement contemplated in section 1 shall terminate if the property interest ceases to be used for the express purposes for which it was conveyed. The instrument shall also require that the grantees shall be responsible for restoring the property to its current baseline condition at the termination of the lease or easement, including the removal of any equipment or infrastructure installed pursuant to the lease or easement.

SECTION 3. In consideration of this conveyance, the town of Falmouth shall receive monetary compensation equal to fair market value as determined by independent appraisal. Any monetary compensation received by the town of Falmouth shall be deposited in the town's open space fund or other appropriate account for the purpose of the acquisition of property or interests in property dedicated to conservation or recreation purposes.

Approved August 9, 2006.

Chapter 246. AN ACT AUTHORIZING THE MASSACHUSETTS WATER RESOURCES AUTHORITY TO ENTER INTO AN AGREEMENT WITH THE TOWN OF WALPOLE TO USE CERTAIN LAND FOR RECREATIONAL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 41 of the acts of 1991 or any other general or special law to the contrary, the Massachusetts Water Resources Authority may enter into a license agreement with the town of Walpole, upon such terms as may be satisfactory to the authority, permitting the town to use a portion of a 94-acre parcel, owned by the authority and located off of Winter street in Walpole as playing fields for youth sports and recreation activities. Said parcel is shown on the town of Walpole Assessors Map 51, Block 156.

SECTION 2. Use of the parcel by the town as authorized by section 1 shall not be considered to be a change from the present use of the parcel and shall not cause title to the parcel to revert to the commonwealth. Nor shall any subsequent cessation of the use authorized in section 1, if and when the Massachusetts Water Resources Authority license to the town expires, is revoked, or otherwise terminates, be considered a change in the use of the parcel or cause title to the parcel to revert to the commonwealth.

SECTION 3. Any license agreement between the authority and the town authorized by section 1 shall contain a provision stating that the license and use of the parcel by the town may be immediately revoked by the authority at any time and for any reason, including, but not limited to, if the parcel must be used for the purposes intended and reserved for it under applicable orders of the United States District Court for the District of Massachusetts in the case of U.S.A. v. MDC, et al., C.A. No. 85-0489-RGS. No structures, improvements or alterations of any description shall be built or placed upon the parcel. All equipment and fixtures necessary or useful to the conduct of youth sports or recreational activities upon the parcel shall be portable and easily removable.

SECTION 4. Upon the expiration, revocation or termination of a license agreement authorized by section 1, the authority may use the parcel for the purposes described in chapter 41 of the acts of 1991 without further legislation.

SECTION 5. This act shall be of no further force or effect if the authority ceases to hold title to the parcel.

SECTION 6. This act shall take effect upon its passage.

Approved August 9, 2006.

Chapter 247. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO LEASE CERTAIN PROPERTY IN THE TOWN OF WEYMOUTH TO THE SOUTH SHORE ASSOCIATION OF RETARDED CITIZENS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 40H of chapter 7 of the General Laws, the commissioner of capital asset management and maintenance may lease, in consultation with the commissioner of conservation and recreation, for an initial term of 25 years, certain land

and a building thereon located in the town of Weymouth to the South Shore Association of Retarded Citizens. The property, known as the Henley Building, located at Webb park on River street in the town of Weymouth, shall be used by the South Shore Association of Retarded Citizens for conducting programs and services for individuals with mental retardation and developmental disabilities. The lease agreement shall be subject to such terms and conditions as the commissioner may prescribe, in consultation with the department of conservation and recreation. The exact boundaries of the property to be leased, as described above, shall be determined by the commissioner, in consultation with the department of conservation and recreation, after completion of a survey.

SECTION 2. No lease agreement authorized under section 1, by or on behalf of the commonwealth, shall be valid unless the agreement provides that the property shall be used solely for the purposes described in section 1. The lease shall also provide for continuing public access to the leased property under conditions acceptable by the commissioner of the department of conservation and recreation. If for any reason the property ceases to be used solely for the purposes described in section 1, the commissioner, in consultation with the department of conservation and recreation, may terminate the lease. If the lease is terminated, the property shall revert to the commonwealth under the care and control of the department of conservation and recreation.

SECTION 3. A lease agreement authorized by section 1 shall be on terms acceptable to the commissioner of capital asset management and maintenance after consultation with the commissioner of conservation and recreation and, notwithstanding any general or special law to the contrary, shall provide for the lessee to manage, operate, improve, repair and maintain the building and property. Any lease requiring improvements to be made to the building may include a description of the initially required improvements and, at a minimum, performance specifications. The lease shall provide that any benefits to the community, the costs of utilities and the costs of improvements and repairs to be made to the building by the lessee shall be taken into account as part of the consideration for the lease or other agreement. Notwithstanding sections 38A½ to 38O, inclusive, of chapter 7 and sections 44A to 44J, inclusive, of chapter 149 of the General Laws, any improvements, construction services and or repairs for the Henley Building and any appurtenant facilities shall be procured and implemented in accordance with the requirements and process established by the division of capital maintenance and management in consultation with the department of conservation and recreation.

SECTION 4. The inspector general shall review and approve the lease agreement and any terms and conditions contained therein, as authorized under section 1. The inspector general shall prepare a report of his review and file the report with the commissioner for submission to the house and senate committees on ways and means and the chairmen of the joint committee on state administration. The commissioner shall, 30 days before the execution of any agreement authorized by this act or any subsequent amendment thereto, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15

days of receipt of any agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereto, the reports and the comments of the inspector general to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least 15 days before execution.

SECTION 5. The lessee shall compensate the commonwealth for the full and fair market value of the property described in section 1, or its value in use as proposed, whichever is greater, as determined by independent appraisal. This compensation shall incorporate the considerations included in section 3. The lease shall require the lessee to provide annual itemized statements to the commissioner of capital asset management and maintenance, or his designee, of the considerations identified in section 3 that are to be claimed by the lessee.

SECTION 6. Compensation, whether in the form of property or funds, received by the commonwealth pursuant to sections 3, 4 and 5 shall be deposited in the Division of Urban Parks Trust Fund, established pursuant to section 34 of chapter 92 of the General Laws.

Approved August 9, 2006.

Chapter 248. AN ACT AUTHORIZING THE TOWN OF IPSWICH TO CHANGE THE USE, THE CARE, CUSTODY AND CONTROL OF A PORTION OF TOWN-OWNED LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Ipswich may transfer the care, custody and control of a portion of a certain parcel of land, described in section 2, from the Ipswich conservation commission to the Ipswich board of selectmen for the purpose of granting a nonexclusive, perpetual driveway and utility easement solely for the benefit of the property located at 92 Pineswamp Road, recorded at Essex South registry of deeds, book 12749, page 597, and the property located at 94 Pineswamp Road, recorded at Essex South registry of deeds, book 16310, page 564, and to authorize the board of selectmen, with the approval of the conservation commission, to grant the easement upon such terms and conditions as it shall determine appropriate. These easements are to preserve pre-existing access to 2 private abutting addresses which existed on the property prior to the property being placed under the control of the conservation commission.

SECTION 2. The land authorized for transfer to the board of selectmen in section 1 is as follows:

So much of town land, described in Final Judgment recorded with the Essex South District Registry of Deeds Book 16769, Page 1, lying within the tract described below as beginning at the northwesterly corner on the southerly sideline of Pineswamp Road con-

tinuing easterly 55 feet along Pineswamp Road then turning S 06 degrees 08' 26" E for a distance of 405 feet, thence 55 feet westerly; then turning North 06 degrees 08' 26" W for a distance of 405 feet to the point beginning, as is currently occupied by an existing driveway providing access to the properties described above including a width of land not more 10 feet to either side of the centerline of the existing driveway except as may be necessary to accommodate existing utility poles, and extending not more than 350 feet southerly from the southerly sideline of Pineswamp Road.

SECTION 3. If the land authorized for transfer in section 1 ceases to be used for purposes as described in section 1, the land shall revert to the care, custody, management and control of the Ipswich conservation commission.

SECTION 4. This act shall take effect upon its passage.

Approved August 9, 2006.

Chapter 249. AN ACT AUTHORIZING THE TOWNS OF FAIRHAVEN, MARION, MATTAPOISETT AND ROCHESTER TO MAKE CERTAIN CONVEYANCES OF WELLFIELD AND WATER SUPPLY AND PROTECTION LAND TO THE MATTAPOISETT RIVER VALLEY WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The town of Fairhaven may convey, without consideration, to the Mattapoisett River Valley Water District, acting pursuant to paragraph (3) of section 3 of chapter 367 of the acts of 2004, easements for the construction, operation and maintenance by the said district of water supply, treatment and distribution facilities in certain land held by the said town for the purpose of well fields and water supply and protection. The parcels are shown as proposed easements 4, 5, 9 and 10 on a plan of land entitled "Mattapoisett River Valley Water District", index sheets I and II, dated June 30, 2005, by Tata & Howard, Inc.

SECTION 2. The town of Marion may convey, without consideration, to the Mattapoisett River Valley Water District, acting pursuant to paragraph (3) of section 3 of chapter 367 of the acts of 2004, easements for the construction, operation and maintenance by the said district of water supply, treatment and distribution facilities in certain land held by the said town for the purpose of well fields and water supply and protection. The parcel is shown as proposed easement 1 on a plan of land entitled "Mattapoisett River Valley Water District", index sheets I and II, dated June 30, 2005, by Tata & Howard, Inc.

SECTION 3. The town of Mattapoisett may convey, without consideration, to the Mattapoisett River Valley Water District, acting pursuant to paragraph (3) of section 3 of chapter 367 of the acts of 2004, easements for the construction, operation and maintenance

by the said district of water supply, treatment and distribution facilities in certain land held by the said town for the purpose of well fields and water supply and protection. The parcels are shown as proposed easements 3, 7, 11, 12, and 13 on a plan of land entitled "Mattapoisett River Valley Water District", index sheets I and II, dated June 30, 2005, by Tata & Howard, Inc.

SECTION 4. The town of Rochester may convey, without consideration, to the Mattapoisett River Valley Water District, acting pursuant to paragraph (3) of section 3 of chapter 367 of the acts of 2004, easements for the construction, operation and maintenance by the said district of water supply, treatment and distribution facilities in certain land held by the said town for the purpose of well fields and water supply and protection. The parcel is shown as proposed easement 2 on a plan of land entitled "Mattapoisett River Valley Water District", index sheets I and II, dated June 30, 2005, by Tata & Howard, Inc.

SECTION 5. The prior conveyances of any such easements by any of the towns to the district are hereby ratified.

SECTION 6. This act shall take effect upon its passage.

Approved August 9, 2006.

Chapter 250. AN ACT REGULATING THE GRANT OF SEWER SYSTEM CONNECTIONS BY THE SEWER COMMISSION OF THE TOWN OF KINGSTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the board of sewer commissioners of the town of Kingston shall not grant an application to connect land to the town's municipal sewerage system unless there is at the time of the application available unused sewerage capacity in the municipal sewer system. For the purposes of this act "available unused sewerage capacity" shall mean the daily sewerage capacity available to the town under permit or municipal agreement, less the sum of (1) existing daily usage by the town; (2) the projected daily usage, calculated by the commissioners, that will result from the completion of all pending municipal sewer extension projects to which funds have been appropriated for design or construction; and (3) the projected daily usage, as calculated by the commissioners, that will result from all proposed connections to the existing municipal sewerage system for which applications have been received and approved. In determining the daily usage expected to result from pending projects, the commissioners may employ reasonable assumptions about the rate at which existing or potential users will connect to the municipal sewerage system after completion of those projects and shall take into account only demand that is foreseeable within 20 years of the date of calculation.

The commissioners shall determine and report publicly each year the available unused

capacity of the system, not less than 30 days before the beginning of the fiscal year. In addition, the commissioners shall make a determination of effective capacity within 30 days after the effective date of this act and shall not approve any connections to the system until such determination is made.

SECTION 2. This act shall take effect upon its passage.

Approved August 9, 2006.

Chapter 251. AN ACT AUTHORIZING THE TOWN OF WAYLAND TO TRANSFER CARE AND CONTROL OF CERTAIN PARK LAND.

Be it enacted, etc., as follows:

SECTION 1. The park and recreation commission of the town of Wayland may transfer the care, custody, management and control of a certain parcel of park land located in the town of Wayland to the board of selectmen to be used for municipal purposes, which shall be limited to housing, conservation, passive and active recreation and any combination thereof. Said parcel is approximately .73 acre, and is shown as Parcel B on a plan of land entitled "Plan of Land in Wayland, Massachusetts Prepared for the Wayland Board of Selectmen, Former Nike Site, Oxbow Road" prepared by the town of Wayland survey department, dated January 3, 2006. A copy of this plan is on file in the office of the town clerk.

SECTION 2. The transfer of land in section 1 is in exchange for a transfer of land from the care, custody, management and control of the board of selectmen to the park and recreation commission for park and recreation purposes. This exchanged parcel is approximately .73 acre, and is shown as Parcel D on the plan described in section 1. The transfer and exchange of Parcel B and Parcel D are as voted at the Wayland annual town meeting on May 1, 2006.

SECTION 3. If the parcel of land authorized for transfer in section 1 ceases to be used for purposes as described in section 1, the parcel, Parcel B, shall revert to the care, custody, management and control of the park and recreation commission of the town of Wayland.

Approved August 9, 2006.

Chapter 252. AN ACT RELATIVE TO TRAFFIC IMPROVEMENTS IN THE TOWN OF MAYNARD.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the department of highways and the town of Maynard may construct road improvements and use as a public way certain town-owned land which has been used as a traffic island and by the public as a park, designated as parcel A-1 on a map dated June 22, 2006, prepared by SEA Consultants Inc., and on file with the town clerk.

SECTION 2. Certain land owned by the town of Maynard, formerly used for highway purposes and shown as parcels B-1, B-2, B-3, B-4 and B-5, on a map dated June 22, 2006, prepared by SEA Consultants, Inc., and on file with the Maynard town clerk, shall be designated for use as a town of Maynard public right of way.

Approved August 9, 2006.

Chapter 253. AN ACT AUTHORIZING THE COMMONWEALTH TO ACQUIRE CONSERVATION RESTRICTIONS IN AND TO LANDS OF THE CITY OF LEOMINSTER.

Be it enacted, etc., as follows:

SECTION 1. The division of capital asset management and maintenance, in consultation with the department of conservation and recreation and pursuant to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, may take under chapter 79 of the General Laws or otherwise acquire fee interest, easements or lesser interests in land through conservation restrictions under section 31 and 32 of chapter 184 of the General Laws in and to all or a portion of certain parcels of land owned by the city of Leominster identified in section 2, if the city of Leominster conveys these property interests. The division shall not exercise the power of eminent domain under chapter 79 without the prior written consent of the city of Leominster. The acquisition shall be for the purpose of ensuring the preservation and protection of water supply, wildlife and habitat and for passive recreation and other consistent uses. The property to be conveyed, known as the Leominster Watershed Lands, was taken or acquired by the city of Leominster for watershed and water supply purposes and is currently used for those purposes. The conservation restrictions authorized by this act shall allow for the continuation of water supply and watershed purposes on all or a portion of the parcels. These conservation restrictions may restrict or regulate, but may not unreasonably limit, the acts or uses associated with conducting these purposes.

SECTION 2. The parcels are identified as follows:

All of the lands, including lands under water, in the city of Leominster, as described in Assessors Map #360, parcel 2, Map #361, parcel 1, Map #362, parcel 1, Map #362, parcel 6, Map #363, parcel 2, Map #429, parcel 12, Map #512, parcel 2, Map #512, parcel 4, Map #513, parcel 2, Map #548, parcel 2, and Map #548, parcel 4, also meaning to include, although not necessarily covered in its entirety by the above-referenced parcels but surrounded by the lands described therein Notown Reservoir, Goodfellows Reservoir, Simonds Reservoir, Haynes Reservoir, Morse Reservoir, Distributing Reservoir and Fall

Brook Reservoir.

SECTION 3. This act shall take effect upon its passage.

Approved August 9, 2006.

Chapter 254. AN ACT ESTABLISHING A HOUSING CORPORATION IN THE TOWN OF MANSFIELD.

Be it enacted, etc., as follows:

SECTION 1. (a) There shall be established a nonprofit housing corporation to be known as the Mansfield Housing Corporation, which shall be governed by a board of directors, referred to in this act as the board. The board shall consist of not fewer than 7 nor more than 11 members who shall be appointed by the board of selectmen of the town of Mansfield for staggered 3 year terms as designated by the board of selectmen. Appointments shall be made annually by the board of selectmen on or before July 1. Members shall serve until their successors are appointed and qualified. A majority of the members shall constitute a quorum for the transaction of any business, but any action of the board of directors shall require the affirmative vote of a majority of the entire board. Continuing members may act despite vacancies in the board and for this purpose shall be considered to constitute a full board. Any vacancy in the board, however occurring, shall be filled by the board of selectmen for the unexpired portion of the term.

(b) The first meeting of the corporation shall be called by the chairman pro tem, who shall be designated by the board of selectmen when the initial appointments to the board of directors are made. There shall be elected by and from the board of directors a president, treasurer, secretary/clerk, and any other officers considered necessary by the board.

(c) The members of the board of directors shall not receive compensation for the performance of their duties under this act, but each member shall be reimbursed by the corporation for expenses incurred in the performance of his duties. Every reimbursement shall be open to public inspection after the requisition is made. The board of directors shall have the powers to set a fiscal year for the operation of the corporation and to make, amend, or repeal by-laws in whole or in part.

(d) The board of directors of the Mansfield Housing Corporation shall exercise its powers and perform its duties for the purpose of investigating and implementing alternatives for providing housing affordable to low or moderate income households, assisting the town in implementing its affordable housing plan, providing housing for other households whose needs may be identified from time to time in the town of Mansfield and carrying out affordable housing plans, studies and other initiatives on behalf of or in partnership with the town of Mansfield.

(e) The powers and duties of the board as set forth in this act are intended to be alternative and supplemental to, and not in limitation of, the powers and duties of the Mans-

field Housing Authority established under chapter 121B of the General Laws. The liability of the board and its members shall be limited to the same extent as the liability of a public employer and public employees under section 2 of chapter 258 of the General Laws.

SECTION 2. (a) The board of directors of the Mansfield Housing Corporation shall have the powers and privileges conferred by clauses (a) to (i), inclusive, of section 9 of chapter 156B of the General Laws, and the following powers, but no such power shall be exercised in a manner inconsistent with this act or with any general or special law, and the board shall not carry on any activity which is not in furtherance of the purposes set forth in this act:-

(1) to adopt, amend, and repeal corporate by-laws, those by-laws to be subject to the approval of the board of selectmen, for the regulation and conduct of its business including, but not limited to, the call and conduct of its meetings, the number of members which shall constitute a quorum and the mode of voting by proxy;

(2) to elect a chairperson and vice-chairperson, each of whom shall be a member of the board, and a secretary and a treasurer, who need not be members of the board and who may be the same person. The treasurer shall give bond for the faithful performance of his duties, the cost of which bond shall be paid from funds of the board. The chairperson and in the chairperson's absence, the vice-chairperson shall chair meetings of the board. The secretary shall be the custodian of all books, documents and papers filed with the board and of the minute book or journal of the board;

(3) to make and execute all contracts and all other instruments necessary or convenient for the exercise of its power and functions;

(4) to acquire or lease, by purchase, gift or otherwise, and to own, hold and use, on such terms and conditions and in such manner as it may deem proper, and to exchange, grant options on, sell, transfer, convey, assign, lease, pledge, mortgage, encumber, grant liens on and security interests or to otherwise dispose of, on such terms and conditions as it may deem proper, real, personal or mixed real and personal property or any interest, easements or rights in that property and assets or revenues of the board, as may be necessary or appropriate to carry out its purposes;

(5) to enter into agreements or other transactions with the commonwealth or a political subdivision or public instrumentality of the commonwealth, the United States government or a federal, state or other governmental agency;

(6) to act as the town's designated developer of low or moderate income housing on land owned and controlled by the town, when authorized to do so by town meeting;

(7) to borrow money and to execute notes which shall not be considered to be debts or obligations of the town of Mansfield, to hold mortgages, and to invest any funds held in reserve funds, or any funds not required for immediate disbursement in any investments that may be lawful for fiduciaries in the commonwealth, and the board shall have no stock;

(8) to enter into contracts or agreements with, and to employ from time to time, contractors, architects, engineers, consultants, attorneys, accountants, construction, financial

and other experts, superintendents, managers and such other agents and employees that may be necessary in its judgment and to fix their compensation;

(9) to receive and hold funds appropriated by the town and other funds, property, labor and other things of value from any source, public or private by gift, grant, bequest, loan or otherwise, either absolutely or in trust, and to expend or utilize these amounts on behalf of the board for any of its purposes or to act as an agent or conduit in administering or disbursing funds or financial or other aid from any source;

(10) to appear in its own behalf before boards, commissions, departments or other agencies of government, municipal, state or federal;

(11) to procure insurance against any loss in connection with the property, or activities of the board, in the amounts and from insurers that it may consider necessary or desirable and to indemnify its members or agents to the extent specified from time to time in the by-laws of the board and subject to and in the manner provided in section 6 of chapter 180 of the General Laws;

(12) to formulate and carry out or monitor plans for projects involving the acquisition or operation of housing facilities of any kind or nature and to construct, reconstruct, renovate, expand, extend, improve, repair, remodel, equip, furnish, maintain, manage and operate these facilities;

(13) to fix and revise from time to time and to charge and collect rates, fees, rentals and other charges and sales prices for or in connection with the use, occupancy or other disposition of any housing facility or other property or portion of property under its ownership or control;

(14) to establish, impose, grant or amend, by deed, lease or other means or method, and to hold the benefit or, monitor, exercise and enforce lawful restrictions on the rental, sale, resale, use or occupancy of housing facilities or other property under its ownership or control or other facilities or property designated by the selectmen of the town, or restrictions with respect to the income of owners, tenants or occupants of these housing facilities or other property, or options and rights of first refusal with respect to these facilities or property and to waive, release or discharge any such rights or restrictions;

(15) to enter into, perform or monitor agreements or other transactions with contractors, developers, brokers or other real estate professionals or any other person relating to the providing of affordable housing for persons of low and moderate income in the town; and

(16) to do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this act.

(b) The board may be a partner in any business enterprise that it would have power to conduct by itself.

SECTION 3. Notwithstanding any general or special law to the contrary, the income, assets and activities of the board shall be exempt from all taxes and assessments, and the board shall not be subject to chapter 63 of the General Laws or to any taxes based upon

or measured by property or income imposed by the commonwealth or by any political subdivision of the commonwealth. The board of directors of the Mansfield Housing Corporation may enter into an agreement with the consent of the town of Mansfield, wherein the board shall undertake to make to the town annual payments in lieu of taxes in connection with any real property acquired and owned by the board, the amounts of these payments to be reasonable sums stipulated in each agreement or determined in accordance with a stipulated reasonable formula.

SECTION 4. Without limitation of the powers of the board of directors of the Mansfield Housing Corporation set forth in section 2, the board may receive and expend and use for its purposes all proceeds that have been appropriated by the town of Mansfield for these purposes. In addition, the town may appropriate other funds for the carrying out by the board of its purposes as set forth in this act. Any appropriation for these purposes may be raised by the town by taxation. At least annually, the board shall cause independent audits to be made of its books and records, and these annual audits shall be filed with the board of selectmen of the town.

SECTION 5. Without limitation of the powers of the board of directors of the Mansfield Housing Corporation set forth in section 2, the board may acquire, lease or otherwise receive any real property conveyed to it by the town of Mansfield for purposes consistent with this act. By a two-thirds vote of town meeting, the town may enter into a contract to sell, transfer, convey or lease real property to the Mansfield Housing Corporation for purposes of developing low or moderate income housing as defined in sections 20 to 23, inclusive, of chapter 40B of the General Laws and said contract shall be exempt from section 16 of chapter 30B of the General Laws as equivalent to a sale or lease to a public or quasi public agency under clause (25) of subsection (b) of section 1 of chapter 30B of the General Laws.

SECTION 6. In the event that the board of directors of the Mansfield Housing Corporation shall be dissolved in accordance with the law at any time, all property and interests in property, assets and rights of the board existing at that time shall be transferred to the town of Mansfield by authority of this act, and title to all property and all rights shall vest in the town automatically without the need for further action or instrument, and the town shall, to the maximum extent permitted by law, and acting by and through its board of selectmen, assume, hold and exercise the powers and duties of the board set forth in this act with respect to the property and rights transferred to the town.

SECTION 7. This act shall take effect upon its passage.

Approved August 9, 2006.

Chapter 255. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF WEYMOUTH AS THE WEYMOUTH VETERANS MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge located on North street and Green street which intersects with Church street in the town of Weymouth shall be designated and known as the Weymouth Veterans Memorial Bridge, in honor of all Weymouth veterans, past, present and future, who have served the nation. The department of highways shall erect a suitable marker bearing that designation on the bridge in compliance with the standards of the department. The Massachusetts Bay Transportation Authority shall be responsible for the maintenance of the marker.

Approved August 10, 2006.

Chapter 256. AN ACT RELATIVE TO GATE SHOWS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow certain shows at the Boston convention and exhibition center, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The last paragraph of subparagraph (i) of paragraph (g) of section 4 of chapter 152 of the acts of 1997 is hereby amended by inserting after the word "The", in line 1, the following words:- South Boston.

SECTION 2. Said paragraph (g) of said section 4 of said chapter 152 is hereby further amended by striking out subparagraph (ii) and inserting in place thereof the following subparagraph:-

(ii) The authority shall allow the South Boston Community Development Foundation to sponsor no less than 3 events annually at the Boston Convention and Exhibition Center to raise funds for the South Boston Community Development Foundation as provided for herein and shall include access to on site parking facilities. The events shall not include gate shows. The events shall be scheduled mutually by the authority and the foundation so as not to conflict or interfere with the regular operation of the Boston Convention and Exhibition Center. The foundation's use of the center may not be reserved more than 1 year in advance of an event and shall be limited to that portion of the facility used by the foundation's event if the event does not utilize the entire facility. The foundation shall not be charged for use of the center for the event provided that the foundation shall receive the net proceeds from the event after all current operating expenses attributable to the event, including operations,

wages, contracts for services by others, maintenance, security and utilities, as usually charged and calculated by the authority as its costs for similar events, are deducted from all income received by the authority attributed to the event, including but not limited to, income from operating revenues and receipts, admissions, parking, food and beverages and all other revenue sources, if any. The events shall be sponsored by the foundation for the purposes set forth in this subparagraph; but, the net proceeds of the events shall not be used for any purposes other than those described in this subparagraph except for reasonable expenses of the foundation. The foundation shall deposit all proceeds in the South Boston Community Development Fund.

SECTION 3. Said paragraph (g) of said section 4 of said chapter 152 is hereby further amended by striking out subparagraph (iii) and inserting in place thereof the following subparagraph:-

(iii) The South Boston Community Development Fund shall consist of: (1) the net proceeds from events sponsored by the South Boston Community Development Foundation as provided for in subparagraph (ii); (2) a community benefit assessment paid by the gate show sponsor or promoter to the authority and thereafter by the authority to the foundation for each gate show held at the center pursuant to paragraph (d) of section 15 consisting of: (1) payment of 10 cents per square foot for each gross square foot of the center's exhibition space occupied for the gate show; (2) payment of $1 for each paid admission to the gate show; and (3) any other contributions, revenues or monies attributed to the foundation or to the fund as may be deposited from time to time. The authority shall make the payment pursuant to this subparagraph within 14 days after each gate show held at the center.

SECTION 4. Subparagraph (iv) of said paragraph (g) of said section 4 of said chapter 152 is hereby amended by inserting after the word "project", in line 4, the following words:- subject to an application process and the establishment of criteria consistent with the purposes of this subsection.

SECTION 5. Section 15 of said chapter 152 is hereby amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

(d) The authority may be marketed and used for so-called gate shows or other similar consumer shows pursuant to subparagraph (iii) of subsection (g) of section 4; if each gate show or other similar consumer show uses 250,000 gross square feet or more of the center's exhibition space. For each gate show or similar consumer show held at the center pursuant to this section, the authority in consultation with the Boston police, state police and other public safety agencies shall prepare a traffic and parking control and management plan, subject to the approval of the city of Boston traffic and parking department. The authority shall prepare an annual evaluation of parking control and management for the gate shows and hold a public meeting annually to present and discuss the evaluation.

Approved August 10, 2006

Chapter 257. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO TRANSFER CERTAIN LAND IN THE CITY OF MARLBOROUGH TO JAMES FARINA.

Be it enacted, etc., as follows:

SECTION 1. The division of capital asset management and maintenance, notwithstanding sections 40E to 40H, inclusive, of chapter 7 of the General Laws, may convey by deed approved as to form by the attorney general, to James Farina a certain parcel of commonwealth land presently under the care and control of the department of conservation and recreation and acquired for watershed purposes, most recently used by the registry of motor vehicles in the city of Marlborough and consisting of approximately 0.95 of an acre. This parcel is shown on a plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Water Division, Plan of Land in Marlborough, MA Scale 1 inch = 40 feet, May 24, 1928". The parcel is subject to a utility easement granted to the city of Marlborough and recorded in the Middlesex south registry of deeds, in the county of Middlesex at book 1287, page 69, plan #297 of 1975. This plan is also on file with the city of Marlborough.

SECTION 2. The purchaser of the parcel conveyed pursuant to section 1 shall pay the full and fair market value of the land and building, based upon an independent professional appraisal as determined by the commissioner of the division. The inspector general shall review and approve the appraisal or appraisals and the review and appraisal shall include an examination of the methodology used for the appraisal or appraisals. The inspector general shall prepare a report of his review and approval of the appraisal or appraisals, sale agreement or amendments and file his report with the commissioner. Copies of the report shall be filed with the house and senate committees on ways and means and with the chairmen of the joint committee on bonding, capital expenditures and state assets at least 15 days prior to the execution. The proceeds of the sale authorized by this act shall be deposited in the Water Supply Protection Trust, established by section 73 of chapter 10 of the General Laws. The proceeds shall be used for future acquisition of water supply protection lands.

SECTION 3. The purchaser shall be responsible for all costs associated with the conveyance authorized by this act, including, but not limited to, any appraisal, survey, recording or legal costs, and any other expenses incurred by the commonwealth in connection with the conveyance.

SECTION 4. The conveyance described in section 1 shall only be authorized if James Farina and his agents, tenants or contractors agree to hold the commonwealth and its agents and employees harmless from and against all claims, actions, damages or costs claimed for injuries or damages to persons or property arising out of, or in any way relating to, the conveyance authorized by this act, and to indemnify and defend the commonwealth and its agents and employees from and against any and all such claims, actions, damages or costs.

Approved August 10, 2006.

Chapter 258. AN ACT ESTABLISHING THE ASIAN AMERICAN COMMISSION.

Be it enacted, etc., as follows:

SECTION 1

The general court finds that:

(a) Asian Americans constitute the fastest growing minority population in the commonwealth as well as in the United States;

(b) Asian Americans represent a very diverse population in the commonwealth, bringing to our commonwealth different languages, cultures, histories, backgrounds and traditions;

(c) many Asian Americans have overcome great hardships, lived the American dream and continue as exemplars of hope and inspiration to their fellow Americans as well as to new groups of Asian peoples as they join the American family;

(d) many Asian Americans are making outstanding contributions to the educational, economic, technological, and cultural development and well-being of the commonwealth, sharing as they do American values including a strong dedication to family, a lasting faith and an industrious work ethic;

(e) Asian Americans continue to face many challenges in their efforts to achieve full social, political and economic integration, including discrimination and sometimes inadequate access to education, jobs and decent housing; and

(f) the commonwealth places a high priority on addressing the unique concerns of the Asian-American community and promoting the enhancement of opportunities for the commonwealth's Asian-American population.

SECTION 2. Chapter 3 of the General Laws is hereby amended by adding the following section:—

Section 67. (a) There shall be a permanent commission on the status of citizens of Asian descent consisting of 18 persons as follows: 3 persons appointed by the governor; 3 persons appointed by the speaker of the house of representatives; 3 persons appointed by the president of the senate; 3 persons appointed by the state treasurer; 3 persons appointed by the state secretary; and 3 persons appointed by the attorney general. Members of the commission shall be drawn from citizens of the commonwealth who have demonstrated a commitment to the Asian-American community. Members shall be subject to the provisions of chapter 268A as they apply to special state employees.

(b) Members shall serve terms of 3 years and until their successors are appointed. Vacancies in the membership of the commission shall be filled by the original appointing authority for the balance of the unexpired term. All appointments shall be made in consultation with Asian-American organizations in the commonwealth. Nominations for members shall be solicited by the appointing authorities between August 1 and September 16 of each year through an open application process using a uniform application that is widely distributed throughout the state.

(c) The commission shall elect from among its members a chair, a vice chair, a treasurer and any other officers it considers necessary. The members of the commission shall

receive no compensation for their services, but shall be reimbursed for any usual and customary expenses incurred in the performance of their duties.

(d) The commission shall be a resource to the commonwealth on issues affecting Asian-American communities in the commonwealth. In furtherance of that responsibility, the commission shall:

(1) promote research and be a clearinghouse and source of information on issues pertaining to Asian Americans in the commonwealth;

(2) inform the public and leaders of business, education, human services, health care, state and local governments and the communications media of the unique cultural, social, ethnic, economic and educational issues affecting Asian Americans in the commonwealth;

(3) foster unity among Asian-American communities and organizations in the commonwealth by promoting cooperation and sharing of information and encouraging collaboration and joint activities;

(4) serve as a liaison between government and private interest groups with regard to matters of unique interest and concern to Asian Americans in the commonwealth;

(5) identify opportunities to expand and improve commercial and cultural ties with Asian nations;

(6) identify and recommend qualified Asian Americans for appointive positions at all levels of government, including boards and commissions, as the commission considers necessary and appropriate;

(7) assess programs and practices in all state agencies as they affect Asian Americans, as the commission considers necessary and appropriate;

(8) advise executive and legislative bodies on the potential effect on Asian Americans of proposed legislation, as the commission considers necessary and appropriate; and

(9) generally undertake activities designed to enable the commonwealth to realize the full benefit of the skills, talents and cultural heritage of Asian Americans in the commonwealth.

(e) The commission shall annually, on or before June 2, report the results of its findings and activities of the preceding year and its recommendations to the governor and to the clerks of the senate and house of representatives.

(f) The powers of the commission shall include, but not be limited, to: (1) to use the voluntary and uncompensated services of private individuals, agencies and organizations that may from time to time be offered and needed, including provision of meeting places and refreshments; (2) to hold regular, public meetings and to hold fact-finding hearings and other public forums as it considers necessary; (3) to direct a staff to perform its duties; (4) to establish and maintain offices that it considers necessary, subject to appropriation; (5) to enact by-laws for its own governance that are not inconsistent with any general or special law; and (6) to recommend policies and make recommendations to agencies and officers of the state and local subdivisions of government to effectuate the purposes of subsection (d).

(g) The commission may request from all state agencies whatever information and assistance the commission requires.

(h) The commission may accept and solicit funds, including any gifts, donations, grants, or bequests, or any federal funds for any of the purposes of this section. These funds shall be deposited in a separate account with the state treasurer, be received by the treasurer on behalf of the commonwealth, and be expended by the commission in accordance with law.

(i) The commission staff shall consist of an executive director, employees, and volunteers who assist the commission in effecting its statutory duties. The commission shall appoint the executive director for a term of 3 years.

SECTION 3. Notwithstanding section 67 of chapter 3 of the General Laws, the initial members of the Asian American commission shall be appointed for the following terms:—

(a) The treasurer shall appoint, on or before October 1, 2006, 1 member for a term of 1 year, 1 member for a term of 2 years, and 1 member for a term of 3 years.

(b) The governor shall appoint, on or before October 1, 2006, 1 member for a term of 1 year, 1 member for a term of 2 years, and 1 member for a term of 3 years.

(c) The speaker of the house of representatives shall appoint, on or before October 1, 2006, 1 member for a term of 1 year, 1 member for a term of 2 years, and 1 member for a term of 3 years.

(d) The president of the senate shall appoint, on or before October 1, 2006, 1 member for a term of 1 year, 1 member for a term of 2 years, and 1 member for a term of 3 years.

(e) The state secretary shall appoint, on or before October 1, 2006, 1 member for a term of 1 year, 1 member for a term of 2 years, and 1 member for a term of 3 years.

(f) The attorney general shall appoint, on or before October 1, 2006, 1 member for a term of 1 year, 1 member for a term of 2 years, and 1 member for a term of 3 years.

SECTION 4. Notwithstanding any general or special law to the contrary, the executive director of the Asian American commission, established by section 67 of chapter 3 of the General Laws, shall initially be appointed by the state treasurer for the term of 3 years.

This bill was returned by the Governor to the Senate, the branch in which it originated, with his objections thereto, was passed by the Senate on July 31, 2006, and in concurrence by the House of Representatives on July 31, 2006, the objections of the Governor not withstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 259. AN ACT RELATIVE TO FUNDING COMMUNITY HEALTH CENTERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to fund community health centers, therefore it is hereby declared to be an emergency law,

necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Clause (3) of subsection (a) of section 95 of chapter 139 of the acts of 2006 is hereby amended by adding the following words:- provided further, that a community health center which provides twenty-four hour emergency services, a Program of All-Inclusive Care for the Elderly (PACE program) and a 340B pharmacy program and provides essential services to underserved communities shall be awarded not less than the level of funding it was awarded in the previous fiscal year pursuant to section 31 of chapter 45 of the Acts of 2005;.

Approved August 11, 2006.

Chapter 260. AN ACT ESTABLISHING THE MASSACHUSETTS MILITARY ENHANCED RELIEF INDIVIDUAL TAX (MERIT) PLAN.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 59 of the General Laws as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 557 and 591, the figure "$250" and inserting in place thereof, in each instance, the following figure:— $400.

SECTION 2. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in line 619, the figure "$75" and inserting in place thereof the following figure:— $225.

SECTION 3. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in line 640 and in line 645, the figure "$425" and inserting in place thereof, in each instance, the following figure:— $750.

SECTION 4. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in line 661, the figure "$250" and inserting in place thereof the following figure:— $575.

SECTION 5. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in lines 681 and 686, the figure "$775" and inserting in place thereof, in each instance, the following figure:— $1,250.

SECTION 6. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in line 702, the figure "$600" and inserting in place thereof the following figure:— $1,075.

SECTION 7. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in lines 719 and 724, the figure "$950" and inserting in place thereof, in each instance, the following figure:— $1,500.

SECTION 8. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in line 740, the figure "$775" and inserting in place thereof the following figure:— $1,325.

SECTION 9. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out clause Twenty-second D and inserting in place thereof the following clause:—

Twenty-second D, Real estate to the full amount of the taxable valuation of real property of the surviving spouses of soldiers and sailors and members of the National Guard whose death occurred as a proximate result of an injury sustained or disease contracted in a combat zone, or who are missing in action with a presumptive finding of death, as a result of combat as members of the armed forces of the United States, if the real estate is occupied by the surviving spouse as a domicile, and if the surviving spouse has been domiciled in the commonwealth for 5 consecutive years next before the date for filing for exemption under this clause or the soldier or sailor or member of the National Guard was domiciled in Massachusetts for at least 6 months before entering service.

This exemption shall be available until the time that the surviving spouse dies or remarries, but in no case shall the abatement amount exceed the sum of $2,500 in any fiscal year following the fifth fiscal year immediately following the death of the soldier or sailor or member of the National Guard.

No real estate shall be so exempt which has been conveyed to the surviving spouse to evade taxation. The amount of the exemption shall be borne by the commonwealth, and the state treasurer shall annually reimburse the city or town for the amount of the tax which otherwise would have been collected for this exemption.

SECTION 9A. Said section 5 of said chapter 59, as so appearing, is hereby amended by inserting after the word "sailors", in line 759, the following words:- and their spouses.

SECTION 10. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in lines 769 and 774, the figure "$600" and inserting in place thereof, in each instance, the following figure:— $1,000.

SECTION 11. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in line 789, the figure "$425" and inserting in place thereof the following figure:— $825.

SECTION 12. Said chapter 59 is hereby further amended by inserting after section 5K the following section:-

Section 5L. Upon acceptance of this section by a municipality and notwithstanding any other provision of this chapter to the contrary, any taxes due under this chapter by a member of the Massachusetts National Guard or reservist or a dependent of a member of the Massachusetts National Guard or reservist shall be deferred while that member is on active service outside the commonwealth and for the next 180 days after that service. No interest or penalties shall be assessed for any period before the expiration of those 180 days.

SECTION 13. Section 1 of chapter 60A of the General Laws, as so appearing, is hereby amended by striking out, in lines 95 to 96, inclusive, and in lines 100 to 101, inclusive, the words "World War I, World War II, Korean or Vietnam veteran" and inserting in place thereof, in each instance, the following words:— veteran, as defined in section 7 of chapter 4,.

SECTION 14. Said section 1 of said chapter 60A, as so appearing, is hereby further amended by inserting after the word "hands", in line 99, the following words:— , or has been determined by the medical advisory board established under section 8C of chapter 90 to be permanently disabled.

SECTION 15. Section 6 of chapter 64H of the General Laws, as so appearing, is hereby amended by inserting, after the word "arm", in line 309, the following words:— or by and for the use of a veteran who has been determined to be permanently disabled by the medical advisory board established under section 8C of chapter 90 and has been issued a disabled veteran number plate under section 2 of said chapter 90.

SECTION 16. This act shall be known as the Edward G. Connolly Massachusetts Military Enhanced Relief Individual Tax (MERIT) Plan.

SECTION 17. Section 9 shall take effect as of September 11, 2001, for those soldiers, sailors and members of the National Guard who died or who became missing in action with a presumptive finding of death on or after September 11, 2001.

Approved August 14, 2006.

Chapter 261. AN ACT VALIDATING CERTAIN ACTIONS TAKEN BY THE TOWN OF NORTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or town by-law to the contrary, all acts and proceedings of the town of Norton at the annual town meeting held on October 8, 2003, are hereby ratified, validated and confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved August 16, 2006.

Chapter 262. AN ACT REORGANIZING THE DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF HOPKINTON.

SECTION 1. Chapter 375 of the acts of 1998 is hereby amended by striking out section 1 and inserting in place thereof the following section:—

Section 1. There shall be in the town of Hopkinton a department of public works, in this act called the department, which shall be under the supervision and control of a board of public works consisting of 3 members to be elected for terms of 3 years.

SECTION 2. Section 4 of said chapter 375 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:—The director shall be specifically fitted by education, training and experience to perform the duties of the office and may or may not be a resident of the town.

SECTION 3. There shall be an election for members of the board of public works at the next annual town election following the effective date of this act.

SECTION 4. This act shall take effect upon its passage.

Approved August 16, 2006.

Chapter 263. AN ACT FURTHER REGULATING VOTING HOURS IN THE TOWN OF AMHERST.

Be it enacted, etc., as follows:

SECTION 1. Subsection 1.3 of section 7 of chapter 216 of the acts of 2001 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all registered voters of the town, shall be held on the same day and at the same places within this town as the select board shall in the warrant for such election direct, and the polls shall open at 7:00 a.m. and shall close at 8:00 p.m.

SECTION 2. Subsection 2.42 of said section 7 of said chapter 216 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The polls shall open at 7:00 a.m. and shall close at 8:00 p.m.

Approved August 16, 2006.

Chapter 264. AN ACT AUTHORIZING THE STATE SECRETARY TO PLACE AN OFFICE ON THE STATE ELECTION BALLOT IN THE CITY KNOWN AS THE TOWN OF WATERTOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or charter provision of the city known as the town of Watertown to the contrary, the state secretary shall print on the official state election ballot in the current year for the city known as the town of Watertown

the office of school committee member to fill a vacancy.

SECTION 2. Notwithstanding section 7 of chapter 53 of the General Laws or any other general or special law or charter provision to the contrary, nomination papers for the office of school committee member to fill a vacancy shall be filed with the board of registrars of the city known as the town of Watertown for certification of signatures on or before 5:00 p.m. on August 23, 2006.

SECTION 3. Notwithstanding any other general or special law or charter provision to the contrary, the registrars shall complete certification of signatures on these nomination papers on or before 5:00 p.m. on August 25, 2006.

SECTION 4. Notwithstanding section 10 of chapter 53 of the General Laws or any other general or special law or charter provision to the contrary, certified nomination papers shall be filed with the town clerk on or before 5:00 p.m. on August 28, 2006.

SECTION 5. Notwithstanding section 11 of chapter 53 of the General Laws or any other general or special law or charter provision to the contrary, a candidate who has filed nomination papers to fill the vacancy in the office of school committee member may withdraw his or her nomination by filing a notarized withdrawal no later than 5:00 p.m. on August 30, 2006.

SECTION 6. The town clerk shall certify to the state secretary on or before 5:00 p.m. on September 7, 2006, a list of candidates, with address, in the order in which the candidates are to appear on the ballot, to fill the vacancy in the office of school committee member.

SECTION 7. This act shall take effect upon its passage.

Approved August 16, 2006.

Chapter 265. AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND TO THE TOWN OF BARNSTABLE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the conveyance by the commonwealth of a certain parcel of land in the town of Barnstable, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, but subject to section 40J of chapter 7 of the General Laws, the commissioner of capital asset management and maintenance may convey to the town of Barnstable a certain parcel of state-

owned land in the town of Barnstable, known as the Hyannis armory, located at 225 South Street in the town of Barnstable, together with all buildings and structures located thereon and all easements appurtenant thereto. The commissioner may determine the exact boundaries of the parcel after completion of a survey.

SECTION 2. The consideration for the parcel shall be the release, delivered by the town of Barnstable simultaneously with the deed, of any and all causes, claims and rights of action arising under a possibility of reverter created by deed from the town of Barnstable to the commonwealth, dated January 24, 1956, and recorded in the Barnstable county registry of deeds on March 13, 1956, in Book 936, Page 26 or arising under any other rights or restrictions of record.

SECTION 3. The land described in section 1 shall not be used for other than municipal purposes.

SECTION 4. The commissioner of capital asset management and maintenance shall make the conveyance authorized by section 1 only if the town of Barnstable accepts responsibility for all costs and expenses of the transaction authorized by this act, as determined by the commissioner, including, but not limited to, the costs of any survey, and for all costs, liabilities and expenses of any nature and kind for its ownership.

Approved August 16, 2006.

Chapter 266. AN ACT RELATIVE TO RETIREMENT BENEFITS FOR STUART FREEDMAN.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith certain retirement benefits, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law, rule or regulation to the contrary, the teachers' retirement board shall grant Mr. Stuart Freedman 5 months of creditable service in the teachers' retirement system upon payment into the annuity savings fund of the system of an amount equal to 11 per cent of five-tenths of his last annual rate of salary immediately before retirement.

SECTION 2. Notwithstanding any general or special law, rule or regulation to the contrary, upon the grant of these 5 months of creditable service, Stuart Freedman shall be considered eligible for the alternative superannuation retirement benefit provided under subdivision (4) of section 5 of chapter 32 of the General Laws. The board shall then recalculate Stuart Freedman's superannuation retirement allowance using the formula for the

alternative superannuation retirement benefit, and he shall be considered entitled to the alternative superannuation retirement benefit retroactively to the date of his superannuation retirement.

Approved August 16, 2006.

Chapter 267. AN ACT GRANTING SCHOOL NURSES ELIGIBILITY FOR PROFESSIONAL TEACHER STATUS.

Be it enacted, etc., as follows:

Section 41 of chapter 71 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "counselor", in line 2, the following words:- , school nurse.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on July 24, 2006, and in concurrence by the Senate on July 24, 2006, the objections of the Governor not withstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 268. AN ACT ESTABLISHING A PERSONAL CARE ATTENDANT QUALITY HOME CARE WORKFORCE COUNCIL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a personal care attendant quality home care workforce council, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 118G of the General Laws is hereby amended by adding the following 6 sections:-

Section 28. As used in sections 28 to 33, inclusive, the following words shall, unless the context requires otherwise, have the following meanings:-

"PCA quality home care workforce council", "workforce council" or "the council", the Personal Care Attendant quality home care workforce council established under section 29.

"Consumer," a person to whom a personal care attendant provides personal care services.

"Personal care attendant," a person, including a personal aide, who has been selected by a consumer or the consumer's surrogate to provide personal care services to persons with disabilities or seniors under the MassHealth personal care attendant program or any successor program.

"Surrogate" means the consumer's legal guardian or person identified in a written agreement with the consumer as responsible for hiring, directing and firing on behalf of the consumer.

Section 29. (a) The PCA quality home care workforce council is established in the executive office of health and human services but shall not be subject to the control thereof to insure the quality of long-term, in-home, personal care by recruiting, training and stabilizing the work force of personal care attendants.

(b) The PCA quality home care workforce council shall consist of 9 members appointed in accordance with this section. At all times, a majority of the members of the council shall be consumers as defined in this chapter. In making appointments to the council, the governor shall appoint the secretary of health and human services or his designee as chairperson, the director of the department of workforce development or his designee and 1 member from a slate of 3 consumers recommended by the governor's special advisory commission on disability policy. The auditor shall appoint 1 member from a slate of 3 consumers recommended by the developmental disabilities council, 1 member from a slate of 3 consumers recommended by the Massachusetts office on disability, and 1 member from a slate of 3 consumers recommended by the statewide independent living council. The attorney general shall appoint 1 member from a slate of 3 consumers or consumer surrogates recommended by the Massachusetts home care association, 1 member from a slate of 3 consumers or consumer surrogates recommended by the Massachusetts council on aging and 1 member chosen at his discretion. The secretary of the executive office of health and human services or his designee and the director of the department of workforce development or his designee shall be permanent members during their term in office. One member of the council first appointed shall serve a 1 year term, 3 shall serve a 2 year term, and 3 shall serve a 3 year term, the term of each member to be designated by the governor. Subsequent appointees to the council shall serve 3-year terms. If a vacancy occurs, the executive officer who made the original appointment shall appoint a new council member to serve the remainder of the unexpired term or, in the event that the vacancy occurs as the result of the completion of a term, to serve a full term, and such appointment shall become immediately effective upon the member taking the appropriate oath. If the departing council member was appointed pursuant to a recommendation made in accordance with this paragraph, the executive officer shall make the new appointment from a slate of 3 recommendations put forth by the entity that originally recommended the departing council member. Members of the council may serve for successive terms of office. A majority of the council shall constitute a quorum for the transaction of any business. Members of the council shall not

receive compensation for their council service but members shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.

Section 30. (a) The workforce council shall carry out the following duties:

1. Undertake recruiting efforts to identify and recruit prospective personal care attendants;

2. Provide training opportunities, either directly or through contract, for personal care attendants and consumers;

3. Provide assistance to consumers and consumer surrogates in finding personal care attendants by establishing a referral directory of personal care attendants. Before placing a personal care attendant on the referral directory, the workforce council shall determine that the personal care attendant has met the requirements established by the executive office in its applicable regulations and has not stated in writing a desire to be excluded from the directory;

4. Provide routine, emergency and respite referrals of personal care attendants to consumers and consumer surrogates who are authorized to receive long-term, in-home personal care services through a personal care attendant;

5. Give preference in the recruiting, training, referral and employment of personal care attendants to recipients of public assistance or other low-income persons who would qualify for public assistance in the absence of such employment; and

6. Cooperate with state and local agencies on health and aging and other federal, state and local agencies to provide the services described and set forth in this section. If, in the course of carrying out its duties, the PCA quality home care workforce council identifies concerns regarding the services being provided by a personal care attendant, the workforce council must notify the relevant office.

(b) In determining how best to carry out its duties, the PCA quality home care workforce council must identify existing personal care attendant recruitment, training and referral resources made available to consumers or the consumer's surrogate by other state and local public, private and nonprofit agencies. The council may coordinate with the agencies to provide a local presence for the council and to provide consumers or the consumer's surrogate greater access to personal care attendant recruitment, training and referral resources in a cost-effective manner. Using requests for proposals or similar processes, the council may contract with the agencies to provide recruitment, training and referral. The council must provide an opportunity for consumer participation in coordination efforts.

(c) The commonwealth shall provide to the council a list of all personal care attendants who have been paid through the MassHealth personal care attendant program and shall update the list not less than every 6 months thereafter upon the establishment to ensure that the council has a complete and accurate list at all times.

Section 31. (a) Consumers or the consumer's surrogate retain the right to select, hire, schedule, train, direct, supervise and terminate any personal care attendant providing services to them. Consumers or the consumer's surrogate may elect to receive long-term, in-home

personal care services from personal care attendants who are not referred to them by the council.

(b) Personal care attendants shall be considered public employees, as defined by and solely for the purposes of, chapter 150E and section 17J of chapter 180. Said chapter 150E shall apply to personal care attendants except to the extent that chapter 150E is inconsistent with this section, in which case this section shall control. In addition, personal care attendants shall be treated as state employees solely for the purposes of section 17A of said chapter 180. Personal care attendants shall not be considered public employees or state employees for any purpose other than those set forth in this paragraph. The PCA quality home care workforce council is the employer, as defined by and solely for the purposes of, said chapter 150E and said sections 17A and 17J of said chapter 180 and deductions under said sections 17A and 17J may be made by any entity authorized by the commonwealth to compensate personal care attendants through the MassHealth personal care attendant program.

(c) Personal care attendants who are employees of the council under this section are not, for that reason, public employees or employees of the council for any other purpose. Nothing in this chapter shall alter the obligations of the commonwealth or the consumer to provide their share of social security, federal and state unemployment taxes, Medicare and worker's compensation insurance under the Federal Insurance Contributions Act, federal and state unemployment law or the Massachusetts Workers' Compensation Act.

(d) Consistent with section 9A of chapter 150E, no personal care attendant shall engage in a strike and no personal care attendant shall induce, encourage or condone any strike, work stoppage, slowdown or withholding of services by any personal care attendant.

(e) The only bargaining unit appropriate for the purpose of collective bargaining is a statewide unit of all personal care attendants. The showing of interest required to request an election is 10 per cent of the bargaining unit. An intervener seeking to appear on the ballot must make the same showing of interest.

(f) The council or its contractors, may not be held vicariously liable for the action or inaction of any personal care attendant, whether or not that personal care attendant was included on the council's referral directory or referred to a consumer or the consumer's surrogate.

(g) The members of the council are immune from any liability resulting from implementation of sections 28 to 33, inclusive.

Section 32. (a) The PCA quality home care workforce council may make and execute contracts and all other instruments necessary or convenient for the performance of its duties or exercise of its powers, including contracts with public and private agencies, organizations, corporations and individuals to pay them for services rendered or furnished.

(b) The council may offer and provide recruitment, training and referral services to personal care attendants and consumers of long-term in-home personal care services other

than statutorily defined personal care attendants and consumers, for a fee to be determined by the council.

(c) The council may issue rules or regulations, as necessary, for the purpose and policies of sections 28 to 33, inclusive.

(d) The council may establish offices, employ and discharge employees, agents and contractors as necessary, and prescribe their duties and powers and fix their compensation, incur expenses, and create such liabilities as are reasonable and proper for the administration of sections 28 to 33, inclusive.

(e) The council may solicit and accept for use any grant of money, services or property from the federal government, the state or any political subdivision or agency thereof, including federal matching funds under Title XIX of the Federal Social Security Act, and do all things necessary to cooperate with the federal government, the state, or any political subdivision or agency thereof, in making an application for any grant.

(f) The council may coordinate its activities and cooperate with similar agencies in other states.

(g) The council may establish technical advisory committees to assist the council.

(h) The council may keep records and engage in research and the gathering of relevant statistics.

(i) The council may acquire, hold or dispose of real or personal property, or any interest therein, and construct, lease or otherwise provide facilities for the activities conducted under sections 28 to 33, inclusive, but the workforce council may not exercise any power of eminent domain.

(j) The council may delegate to the appropriate persons the power to execute contracts and other instruments on its behalf and delegate any of its powers and duties, if consistent with the purposes of sections 28 to 33, inclusive.

(k) The council may perform other acts necessary or convenient to execute the powers expressly granted to it.

Section 33. (a) The council shall conduct a performance review every 2 years, submit a report of the review to the legislature and the governor and make the report available to the public upon submission to the governor and the legislature. The first report shall be submitted before December 1, 2008.

(b) The performance review and report shall include an evaluation of the health, welfare and satisfaction with services provided of the consumers receiving long-term in-home personal care services from personal care attendants under sections 28 to 33, inclusive, including the degree to which all required services have been delivered, the degree to which consumers receiving services from personal care attendants have ultimately required additional or more intensive services, such as home health care, or have been placed in other residential settings or nursing homes, the promptness of response to consumer complaints and any other issue considered to be relevant.

(c) The performance review report will provide an explanation of the full cost of personal care services, including the administrative costs of the council, unemployment com-

pensation, Social Security and Medicare payroll taxes paid and any oversight costs.

(d) The performance review report will make recommendations to the legislature and the governor for any amendments to sections 28 to 33, inclusive that will further ensure the well-being of consumers, and the most efficient means of delivering required services. In addition, the first performance review report will include findings and recommendations regarding the appropriateness of the council's assumption of responsibility for verification of hours worked by personal care attendants, payment of personal care attendants and other duties.

SECTION 2. Regulations issued under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the commonwealth.

SECTION 3. The first meeting of the PCA quality home care workforce council, established by section 28 of chapter 118G of the General Laws, shall be held on or before August 1, 2006 and every 3 months thereafter.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on July 24, 2006, and in concurrence by the Senate on July 24, 2006, the objections of the Governor not withstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 269. AN ACT PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF RENT REGULATIONS AND THE CONTROL OF EVICTIONS IN MANUFACTURED HOUSING COMMUNITIES IN THE TOWN OF LAKEVILLE.

Be it enacted, etc., as follows:

SECTION 1. The general court finds and declares that: (a) a serious public emergency exists with respect to the housing of a substantial number of citizens in the town of Lakeville, which emergency has been created by excessive, abnormally high and unwarranted rental increases imposed by some owners of manufactured housing communities located in the town; (b) unless manufactured housing community rents and eviction of tenants are regulated and controlled, this emergency will produce serious threats to the public health, safety and general welfare of the citizens of the town, particularly the elderly; and (c) this emergency should be met by the commonwealth immediately and with due regard for the rights and responsibilities of the town of Lakeville.

SECTION 2. The town of Lakeville may, by its by-laws: (a) regulate rents for the use or occupancy of manufactured housing accommodations in said town, establish a rent board, for the purpose of regulating units, minimum standards for use or occupancy of manufactured housing communities, and eviction of tenants therefrom; and (b) require registration by owners of manufactured housing communities. These rents, standards and

evictions may be regulated by the rent board so as to remove hardships or correct inequities for both the owner and tenants of such manufactured housing communities. The rent board shall have all the powers necessary or convenient to perform its functions, may make rules and regulations, require registration by owners of manufactured housing communities, under penalty of perjury of information relating to the manufactured housing communities, sue and be sued, compel the attendance of persons and the production of papers and information and issue appropriate orders which shall be binding on both the owner and tenants of such manufactured housing communities. Violations of any by-law adopted pursuant to this act or any order of the rent board shall be punishable by a fine of not more than $1,000.

SECTION 3. (a) In regulating rents for such manufactured housing communities, the rent board established under section 2 may make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for manufactured housing communities in the town are established at levels which yield to owners a fair net operating income which will yield a return, after all reasonable operating expenses, on the fair market value of the property equal to the debt service rate generally available from institutional first mortgage lenders or such other rates of return as the board, on the basis of evidence presented before it considers more appropriate to the circumstances of the case. The fair market value of the property shall be the assessed valuation of the property or such other valuation as the board, on the basis of evidence presented before it, considers more appropriate to the circumstances of the case.

(b) The town in its by-laws or the rent board by regulations may establish further standards and rules consistent with this act.

SECTION 4. Chapter 30A of the General Laws shall apply to the rent board established under section 2 as if the rent board were an agency of the commonwealth, including those provisions giving agencies the power to issue, vacate, modify and enforce subpoenas, and those provisions relating to judicial review of an agency order.

SECTION 5. (a) The Plymouth division of the district court department shall have original jurisdiction, concurrently with the superior court, of all petitions for review brought pursuant to section 14 of chapter 30A of the General Laws.

(b) The superior court shall have jurisdiction to enforce this act and any by-laws adopted under this act and may restrain violations of this act or these by-laws.

SECTION 6. The town of Lakeville may by its by-laws regulate the eviction of tenants and the rent board established under section 2 may issue orders which shall be a defense to actions of summary process for possession and such orders shall be reviewable under sections 2 and 3.

SECTION 7. The personnel of the rent board established under section 2 shall not be subject to section 9A of chapter 30 or chapter 31 of the General Laws.

SECTION 8. This act shall take effect upon its passage.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on July 26, 2006,

and in concurrence by the Senate on July 31, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 270. AN ACT RELATIVE TO JUDGES AND REGISTERS OF PROBATE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 215 of the General Laws is hereby amended by striking out section 38, as appearing in the 2004 Official Edition, and inserting in place thereof the following section:—

Section 38. Oaths required in proceedings in the probate courts may be administered by the judge, register, first assistant register, assistant register, judicial case manager, assistant judicial case manager or session clerk in or out of court or by a justice of the peace or notary public and, when administered out of court, a certificate thereof shall be returned and filed or recorded with the proceedings, but the judge may require any such oath to be taken before him in open court.

SECTION 2. Chapter 217 of the General Laws is hereby amended by striking out sections 23 to 23B, inclusive, as so appearing, and inserting in place thereof the following 5 sections:—

Section 23. The register of the respective courts of the probate and family court department may, with the approval of the chief justice of the probate and family court, appoint for a term of 3 years and may, with the approval of the chief justice, remove a first assistant register of probate. Before entering upon the performance of his duties, a first assistant register shall take the oath prescribed by the constitution. The appointments shall be as follows:

Essex, 1 first assistant register
Middlesex, 1 first assistant register
Norfolk, 1 first assistant register
Suffolk, 1 first assistant register
Worcester, 1 first assistant register.

Those persons serving as first assistant registers in the Barnstable, Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Plymouth and Suffolk divisions of the probate and family court department shall become judicial case managers for a term of 3 years pursuant to section 23C in their respective courts.

Section 23A. In addition to the first assistant registers of probate provided for in section 23, the registers of the respective courts of the probate and family court department for the following counties may, with the approval of the chief justice of the probate and family court, appoint for terms of 3 years and may, with the approval of the chief justice, remove assistant registers with the same powers and duties. The appointments shall be as

follows:

Barnstable, 1 assistant register
Berkshire, 1 assistant register
Bristol, 1 assistant register
Franklin, 1 assistant register
Hampden, 1 assistant register
Hampshire, 1 assistant register
Middlesex, 1 assistant register
Plymouth, 1 assistant register
Suffolk, 1 assistant register.

Those persons serving as assistant registers in the Barnstable, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Plymouth, Suffolk and Worcester divisions of the probate and family court department shall become assistant judicial case managers pursuant to section 23D in their respective court.

Section 23B. The registers of probate of the respective courts of the probate and family court department for the following counties may, subject to the approval of the chief justice for administration and management as to compliance with personnel standards promulgated pursuant to section 8 of chapter 211B, appoint 1 or more administrative deputy assistants; provided, however, that administrative deputy assistants may be removed at the pleasure of the registers of probate. The administrative deputy assistants shall meet the definition of both confidential and managerial employees as those terms appear in chapter 150E and shall perform no official judicial duties. The appointments shall be as follows:

Barnstable, 1 administrative deputy assistant
Essex, 1 administrative deputy assistant
Middlesex, 4 administrative deputy assistants
Norfolk, 1 administrative deputy assistant
Plymouth, 1 administrative deputy assistant
Suffolk, 2 administrative deputy assistants
Worcester, 2 administrative deputy assistants.

Section 23C. The first justice of the respective courts of the probate and family court department may, with the approval of the chief justice of the probate and family court, appoint for terms of 3 years and may, with the approval of the chief justice, remove a judicial case manager. Before entering upon the performance of his duties, a judicial case manager shall take the oath prescribed by the constitution. The appointments shall be as follows:

Barnstable, 1 judicial case manager
Berkshire, 1 judicial case manager
Bristol, 1 judicial case manager
Essex, 1 judicial case manager
Franklin, 1 judicial case manager
Hampden, 1 judicial case manager

Hampshire, 1 judicial case manager
Middlesex, 1 judicial case manager
Norfolk, 1 judicial case manager
Plymouth, 1 judicial case manager
Suffolk, 1 judicial case manager
Worcester, 1 judicial case manager.

Section 23D. In addition to the judicial case managers of the probate and family court provided for in section 23C, the first justices of the respective courts of the probate and family court department for the following counties may, with the approval of the chief justice of the probate and family court, appoint and may, with the approval of the chief justice, remove assistant judicial case managers with the same powers and duties. The appointments shall be as follows:

Barnstable, 3 assistant judicial case managers
Bristol, 7 assistant judicial case managers
Essex, 5 assistant judicial case managers
Franklin, 1 assistant judicial case manager
Hampden, 3 assistant judicial case managers
Hampshire, 1 assistant judicial case manager
Middlesex, 6 assistant judicial case managers
Norfolk, 5 assistant judicial case managers
Plymouth, 5 assistant judicial case managers
Suffolk, 5 assistant judicial case managers
Worcester, 6 assistant judicial case managers.

SECTION 3. Said chapter 217 is hereby further amended by striking out sections 27 to 29I, inclusive, as so appearing, and inserting in place thereof the following 16 sections:-

Section 27. An assistant register shall perform his duties under the direction of the register and shall pay over to the register all fees and amounts received as such assistant. He may authenticate papers and perform such other duties as are not performed by the register. In case of the absence, neglect, removal, resignation or death of the register, the assistant may complete and attest any records remaining unfinished and may act as register until a new register is qualified or the disability removed.

Section 27A. A judicial case manager and an assistant judicial case manager shall perform his duties under the direction of the first justice and shall pay over to the register all fees and amounts received as such assistant. He may authenticate papers and perform such other duties as are not performed by the register, at the direction of the first justice.

Section 28. The first justice of the Suffolk county court may, subject to the approval of the chief justice of the probate and family court, appoint a clerk who may administer the oaths required in probate proceedings that are not prescribed by law to be administered by the judge or register and shall perform such clerical and other duties as may be required by the first justice. The clerk may be removed by the first justice, with the approval of the chief

justice. The register of probate may designate 6 employees as deputy assistant registers with the same powers as assistant registers and may revoke such designation at will. A deputy assistant register shall receive as additional compensation an amount equal to 15 per cent of the annual salary of the Suffolk county register of probate. The register may designate 6 employees as associate deputy registers who shall have the powers of assistant registers and receive as additional compensation an amount equal to 7.5 per cent of the salary paid to the register. The register may revoke any such designation at will.

Section 29. The first justice of the Middlesex county court may, with the approval of the chief justice of the probate and family court, appoint a clerk who may administer the oaths required in probate proceedings that are not prescribed by law to be administered by the judge or register and shall perform such clerical and other duties as may be required by the first justice. The clerk may be removed by the first justice with the approval of the chief justice. The register may, with the approval of the chief justice, designate 6 employees as deputy assistant registers with the same powers as assistant registers and with the approval of the chief justice remove a deputy assistant register. The deputy assistant registers shall receive additional compensation in an amount equal to 15 per cent of the annual salary of the Middlesex county register of probate.

Section 29A. The first justice of the Dukes county court may, with the approval of the chief justice of the probate and family court, appoint a clerk who may administer the oaths required in probate proceedings that are not prescribed by law to be administered by the judge or register and shall perform such clerical and other duties as may be required by the first justice, with the approval of the chief justice. The clerk may be removed by the first justice with the approval of the chief justice. The register may, with the approval of the chief justice, designate 1 employee as deputy assistant register and with the approval of the chief justice remove a deputy assistant register. The deputy assistant register shall receive additional compensation in an amount equal to 15 per cent of the annual salary of the Dukes county register of probate.

Section 29B. The first justice for the Nantucket county court may, with the approval of the chief justice of the probate and family court, appoint a clerk who may administer the oaths required in probate proceedings that are not prescribed by law to be administered by the judge or register, and shall perform such clerical and other duties as may be required by the first justice, with the approval of the chief justice. The clerk may be removed by the first justice with the approval of the chief justice. The register may, with the approval of the chief justice, designate 1 employee as deputy assistant register and with the approval of the chief justice remove a deputy assistant register. The deputy assistant register shall receive additional compensation in an amount equal to 15 per cent of the annual salary of the Nantucket county register of probate.

Section 29C. The register of the Barnstable probate court may, with the approval of the chief justice of the probate and family court, designate 3 employees as deputy assistant registers with the same powers as assistant registers and with the approval of the chief justice

remove a deputy assistant register. A deputy assistant register shall receive additional compensation of $6,000.

Section 29D. The register of the Berkshire probate court may, with the approval of the chief justice of the probate and family court, designate 1 employee as deputy assistant register with the same powers as assistant register and with the approval of the chief justice remove a deputy assistant register. The deputy assistant register shall receive additional compensation of $6,000.

Section 29E. The register of the Hampden probate court may, with the approval of the chief justice of the probate and family court, designate 6 employees as deputy assistant registers with the same powers as assistant registers and with the approval of the chief justice remove a deputy assistant register. The deputy assistant registers shall receive additional compensation of $6,000.

Section 29F. The register of the Worcester probate and family court may, with the approval of the chief justice of the probate and family court, designate 6 employees as deputy assistant registers with the same powers as assistant registers and with the approval of the chief justice remove a deputy assistant register. The deputy assistant register shall receive additional compensation in an amount equal to 15 per cent of the annual salary of the Worcester county register of probate.

Section 29G. The register of the Bristol probate and family court may, with the approval of the chief justice of the probate and family court, designate 3 employees as deputy assistant registers with the same powers as assistant registers and with the approval of the chief justice remove a deputy assistant register. The deputy assistant registers shall receive in addition to their salaries as employees, a salary of $6,000 per annum.

Section 29H. The register of the Hampshire probate and family court may, with the approval of the chief justice of the probate and family court, designate 3 employees as deputy assistant registers with the same powers as assistant registers and with the approval of the chief justice remove a deputy assistant register. The deputy assistant registers shall receive additional compensation in an amount equal to 15 per cent of the annual salary of the Hampshire county register of probate.

Section 29I. The register of the Plymouth probate and family court may, with the approval of the chief justice of the probate and family court, designate 5 employees as deputy assistant registers with the same powers as assistant registers and with the approval of the chief justice remove a deputy assistant register. The deputy assistant registers shall receive in addition to their salaries as employees, a salary of $6,000 per annum.

Section 29J. The register of the Essex probate and family court may, with the approval of the chief justice of the probate and family court, designate 1 employee as deputy assistant register with the same powers as an assistant register and with the approval of the chief justice remove a deputy assistant register. The deputy assistant register shall receive additional compensation in an amount equal to 15 per cent of the annual salary of the Essex county register of probate.

Section 29K. The register of the Franklin probate and family court may, with the approval of the chief justice of the probate and family court, designate 1 employee as deputy assistant register with the same powers as an assistant register and with the approval of the chief justice remove a deputy assistant register. The deputy assistant register shall receive in addition to his salary as an employee, a salary of $6,000 per annum.

Section 29L. The register of the Norfolk probate and family court may, with the approval of the chief justice of the probate and family court, designate 1 employee as deputy assistant register with the same powers as an assistant register and with the approval of the chief justice remove a deputy assistant register. The deputy assistant register shall receive additional compensation in an amount equal to 15 per cent of the annual salary of the Norfolk county register of probate.

SECTION 4. Said chapter 217 is hereby further amended by striking out sections 35 to 35B, inclusive, as so appearing, and inserting in place thereof the following 3 sections:-

Section 35. The salaries of registers, including administrative deputy assistants, judicial case managers, assistant judicial case managers, first assistant registers and assistant registers shall be paid by the commonwealth.

Section 35A. The salaries of the registers of the probate and family court department shall be 81.57 per cent of the salary of the chief justice of the department and shall be paid, subject to appropriation, by the commonwealth. The registers of probate shall devote their entire time during business hours to their respective duties and shall not directly or indirectly engage in the practices of law.

Section 35B. The salaries of first assistant registers, judicial case managers and administrative deputy assistants of the probate and family court department shall be 83.5 per cent of the salary of the registers pursuant to section 35A and shall be paid by the commonwealth. The salaries of assistant registers and assistant judicial case managers shall be 77 per cent of the salary of the registers of the department pursuant to section 35A and shall be paid, subject to appropriation, by the commonwealth.

The first assistant registers, assistant registers, judicial case managers and assistant judicial case managers of probate shall devote their entire time during business hours to their respective duties and shall not directly or indirectly engage in the practice of law.

SECTION 5. Said chapter 217 is hereby further amended by striking out section 42, as so appearing, and inserting in place thereof the following section:-

Section 42. Judges, registers, judicial case managers, assistant judicial case managers, first assistant registers and assistant registers shall receive from the commonwealth their actual and proper traveling expenses incurred by them in the performance of their official duties in holding and attending court at a place other than that where the registry of probate is situated and any expenses actually incurred in transporting official papers from the registry of probate to another probate office within the same county for court purposes, upon an itemized statement of such expenses being certified to, and approved by, the chief justice, but a justice appointed to the probate and family court in Dukes county or Nantucket county shall receive his actual expenses for travel by land, sea

or air from his residence on the mainland to such county and from such county to his residence on the mainland. The traveling expenses necessarily incurred by judges of probate sitting at the direction of the chief justice in counties other than the counties in which they are appointed shall be paid by the commonwealth, upon the certificate of the chief justice.

SECTION 6. The procedures for removing a deputy assistant register in sections 29 to 29L, inclusive, of chapter 217 of the General Laws, inserted by section 3, shall apply to persons holding that designation on the effective date of this act.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on July 31, 2006, and in concurrence by the Senate on July 31, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 271. AN ACT INCREASING THE MINIMUM WAGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to increase forthwith the minimum wage, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 151 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 5, the figure "$6.75" and inserting in place thereof the following figure:— $7.50.

SECTION 2. Said section 1 of said chapter 151 is hereby further amended by striking out the figure "$7.50", inserted by section 1, and inserting in place thereof the following figure:— $8.00.

SECTION 3. Section 1 shall take effect on January 1, 2007.

SECTION 4. Section 2 shall take effect on January 1, 2008.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on July 31, 2006, and in concurrence by the Senate on July 31, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 272. AN ACT AUTHORIZING THE TOWN OF FRANKLIN TO ESTABLISH A POST-EMPLOYMENT HEALTH INSURANCE TRUST FUND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Franklin, acting by and through its town council, may establish a trust fund to be known as the Group Insurance Liability Fund, as set out in sections 2 to 4, inclusive, for the purpose of funding the municipality's future liabilities for contributions to retired employees' health insurance premiums.

SECTION 2. As used in this act, the following words shall have the following meanings:-

"Normal cost of post-retirement benefits", that portion of the actuarial present value of future premium costs or claim costs payable by the town on behalf of or direct payments payable by the town to retired employees, including school teachers, of the town and the eligible surviving spouses or dependents of deceased employees, including school teachers, of the town, under this act which is allocable to a particular fiscal year, as determined by an actuary under section 4.

"Post-retirement benefit liability", the present value of the town's obligation for future premium payments and claim costs on behalf of or direct payments to retired and prospectively retired employees of the town and the eligible surviving spouses or dependents of deceased and prospectively deceased employees of the town attributed by the terms of the plan to employee's service rendered to the date of the measurement under this act, as determined by the actuary, under section 4.

"Unfunded post-retirement benefit liability", the difference between the post-retirement benefit liability on the measurement date and the actuarial value of the assets of the Group Insurance Liability Fund on the same date, as determined by the actuary.

"Unfunded post-retirement benefit liability amortization payments", the amount which, when paid into the Group Insurance Liability Fund annually over a period of years together with the normal cost of post-retirement benefits for each year of that period of years, will reduce to zero at the end of that period the unfunded post-retirement benefit liability in existence as of the beginning of the period as determined by the actuary.

SECTION 3. There shall be a trust fund to be known as the Group Insurance Liability Fund. The town treasurer shall manage the fund in consultation with the town administrator. The fund shall be credited with all amounts appropriated or otherwise made available by the town for the purposes of meeting the current and future cost of premiums payable by the town on behalf of or direct payments payable by the town to retired employees of the town and the eligible surviving spouses or dependents of deceased employees of the town under this act. Amounts in the fund, including any earnings or interest accruing from

the investment of these amounts, shall be expended only for the payment of these premiums or direct payments, except as otherwise provided in this act, and only in accordance with a schedule of payments developed by the actuary in consultation with the town council. Subject in each instance to the approval of the town administrator, the town treasurer shall invest and reinvest the amounts in the fund not needed for current disbursement consistent with the prudent person rule. The treasurer may employ any qualified bank, trust company, corporation, firm or person to advise it on the investment of the fund and may pay for this advice and other services as determined by the town council.

SECTION 4. An actuary shall determine, as of January 1, 2006 and no less frequently than every second year after that date, the normal cost of post-retirement benefits, the post-retirement benefit liability, and the unfunded post-retirement benefit liability. All these determinations shall be made in accordance with generally accepted actuarial standards, and the actuary shall make a report of these determinations. The report shall, without limitation, detail the demographic and economic actuarial assumptions used in making these determinations, and each report after the first report shall also include an explanation of the changes, if any, in the demographic and economic actuarial assumptions employed and the reasons for any changes, and shall also include a comparison of the actual expenses by the town for premium or direct payments constituting the post-retirement benefit liability during the period since the last determination, and the amount of these expenditures which were predicted under the previous report for that period.

The actuary, in consultation with the town council, shall establish a schedule of annual payments to be made to the Group Insurance Liability Fund designed to reduce to zero the unfunded post-retirement benefit liability. This schedule shall reduce the initial unfunded post-retirement benefit liability over a period of years not to exceed 30. Any additional unfunded liability created after the last such determination by the provision of any new benefit or by any increase in the premium share payable by the town shall be separately amortized over the 15 years following the date of the determination in which the additional liability is first recognized. Each annual payment shall be equal to the sum of the unfunded post-retirement benefit amortization payment required for that year and the payments required to meet the normal cost of post-retirement benefits for the fiscal year.

All payments for the purposes of meeting the town's share of premium costs for direct payments to retired employees of the town and the surviving spouses or dependents of deceased employees of the town under this act shall be made from the Group Insurance Liability Fund in accordance with a schedule of disbursements established by the actuary.

SECTION 5. This act shall take effect upon its passage.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on July 25, 2006, and in concurrence by the Senate on July 26, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 273. AN ACT RELATIVE TO THE MEMBERSHIP OF THE RETIREMENT BOARD OF THE MASSACHUSETTS WATER RESOURCES AUTHORITY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to change the membership of the retirement board of the Massachusetts Water Resources Authority Employees' Retirement System, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 20 of chapter 32 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after subdivision (4⅞C) the following subdivision:-

(4⅞D)(a) The contributory retirement system established for employees of the Massachusetts Water Resources Authority under sections 1 to 28, inclusive, shall be known as, and all of its business shall be transacted under the name of the Massachusetts Water Resources Authority Employees' Retirement System.

(b) The system shall be managed by a retirement board which shall have the general powers and duties set forth in subdivision (5). The board shall consist of 5 members as follows: the secretary of the authority who shall be a member ex officio, a second member appointed by the board of directors of the authority for a term of 3 years, a third and fourth member who shall be elected by the members in or retired from service of this system from among their number for a term of 3 years, and a fifth member who shall not be an employee, retiree or official of the government unit and who shall be appointed by the other 4 members for a term of 3 years. Future elections of the third and fourth members shall be held under the supervision of the retirement board and the term of the third and fourth members shall be so arranged so as not to expire in the year of expiration of the term of the fifth member. If a fifth member is not chosen by the other 4 members within 30 days after the expiration of the term of the fifth member, the public employee retirement administration commission shall appoint a fifth member for a term of 3 years. Each member of the retirement board shall continue to hold office until the expiration of that member's term and until the qualification of the member's successor. Upon the expiration of the term of office of any elected or appointed member or in case of a vacancy in either of those offices, a successor shall be elected or appointed as provided in this paragraph for a 3 year term or for the unexpired portion of the term, but in no event shall the term of the third and fourth member expire in the same year as the term of the fifth member.

SECTION 2. Section 7 of chapter 372 of the acts of 1984 is hereby amended by striking out subsection (d).

SECTION 3. The existing members of the retirement board of the Massachusetts Water Resources Authority Retirement System, established under subsection (d) of section 7 of chapter 372 of the acts of 1984, shall become the first, second and third members of the board established by section 1 upon the effective date of this act.

Approved August 22, 2006.

Chapter 274. AN ACT AUTHORIZING THE TOWN OF SHREWSBURY TO EXCHANGE CERTAIN LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 16 of chapter 30B of the General Laws or any other general or special law to the contrary, the town of Shrewsbury may, subject to and in consideration of the conveyance described in section 2, convey to the Worcester Business Development Corporation, a nonprofit business development corporation, a certain parcel of land acquired by the town of Shrewsbury by tax title, shown on a plan entitled "Plan of Land in the town of Grafton and the town of Shrewsbury, Worcester County, owned by the Commonwealth of Massachusetts prepared for the Division of Capital Asset Management and Maintenance", dated March 30, 2005, prepared by Bryant Associates, Inc. and recorded in Worcester county registry of deeds, book 4791, page 271, bounded and described as follows:

Beginning at the northeasterly corner of said parcel at a corner now or formerly of land of the Commonwealth of Massachusetts and at land now or formerly of the New England Power Company at the center of a stone bound, thence running:

S 15°-38'-09" E by said land of the Commonwealth of Massachusetts a distance of 702.96 feet to a corner, thence turning and running;

S 74°-58'-22" W by said land of the Commonwealth of Massachusetts a distance of 330.89 feet to a corner at land now or formerly of the Worcester Business Development Corporation, thence turning and running;

N 29°-33'-41" W by said land of the Worcester Business Development Corporation a distance of 622.34 feet to a corner at land of New England Power Company, thence turning and running;

N 63°-08'-18" W by said land of New England Power Company a distance of 490.02 feet to the point of beginning.

This parcel is comprised of approximately 6.1663 acres and is more particularly described on a plan entitled "Plan of Land in the Town of Grafton and the Town of Shrewsbury, Worcester County, Owned by the Commonwealth of Massachusetts Prepared for the Division of Capital Asset Management & Maintenance, scale 1" = 40 ft.," dated March 30, 2005, and Prepared by Bryant Associates, Inc.

SECTION 2. In consideration of the conveyance authorized in section 1, the corporation shall convey to the town a parcel of land with frontage on Centech boulevard owned by the corporation and shown as Lot 9-1 on a plan entitled "Subdivision Plan of Land showing proposed Lot 9-1 Assessors Map 39, Lots 2 & 9, 130 Green Street, Shrewsbury, MA owned by Carl L. Jr. & Margaret M. Hook", prepared by Chas. H. Sells, Inc., dated October 22, 2003, and recorded in Worcester county registry of deeds, book 4791, page 271.

Approved August 22, 2006.

Chapter 275. AN ACT ESTABLISHING THE CONCORD HOUSING DEVELOPMENT CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. (a) There shall be in the town of Concord a nonprofit housing corporation to be known as the Concord Housing Development Corporation. The corporation shall be governed by a board of directors referred to in this act as the board. The board shall consist of not less than 5 members who shall be residents of the the town of Concord and who shall be appointed by the board of selectmen of the town for staggered 3-year terms as designated by the board of selectmen. These appointments shall be made annually on or before June 30. Members shall serve until their successors are appointed and qualified. Continuing members may act despite a vacancy in the board and, for this purpose, shall be considered to constitute a full board. A vacancy in the board, however occurring, may be filled by the board of selectmen for the remainder of the unexpired portion of the term.

(b) The board shall exercise its powers and perform its duties for the purpose of investigating and implementing alternatives for the provision of affordable housing for persons of low, moderate and middle income and others whose needs may be identified from time to time in the town. The powers and duties of the board shall be alternative and supplemental to, and not in limitation of, the powers and duties of the Concord Housing Authority, established under chapter 121B of the General Laws. The liability of the board and its members shall be limited to the same extent as the liability of a public employer and public employees under section 2 of chapter 258 of the General Laws.

(c) The board of selectmen may, from time to time, set policies and guidelines under which the board operates for the purposes described in this act, but day-to-day operation of the corporation shall be independent of the board of selectmen and the town manager of the town.

SECTION 2. The board shall have the powers conferred by clauses (a) to (i), inclusive, of section 9 of chapter 156B of the General Laws and the following powers; but no such power shall be exercised in a manner inconsistent with this act or with any other general or special law or to carry on any activity which is not in furtherance of the purposes set forth in this act:

(a) to adopt, amend and repeal corporate by-laws for the regulation and conduct of its business including, but not limited to, the call and conduct of its meetings, the number of members which shall constitute a quorum and the mode of voting by proxy;

(b) to elect a chairman and vice-chairman, each of whom shall be members of the board, and a secretary and a treasurer, who need not be members of the board and who may be the same person. The treasurer shall give bond for the faithful performance of his duties in a form and amount approved and affixed by the board of selectmen, the cost of which bond shall be paid from funds of the board. The chairman and, in the chairman's absence, the vice-chairman shall chair meetings of the board. The secretary shall be the custodian of all books, documents and papers filed with the board and of the minute book or journal of the board;

(c) to make and execute all contracts and all other instruments necessary or convenient for the exercise of its powers and functions;

(d) to acquire or lease, by purchase, gift or otherwise, and to own, hold and use, on the terms and conditions and in the manner that it may consider proper, and to exchange, grant options on, sell, transfer, convey, assign, lease, pledge, mortgage, encumber, grant liens on and security interests in, or to otherwise dispose of, on the terms and conditions that it may consider proper, real, personal or mixed real and personal property or any interest, easements or rights in that property and assets or revenues of the board, as may be necessary or appropriate to carry out its purposes, it being understood that the board's right to acquire or sell town-owned real estate shall be subject to authorization by town meeting vote;

(e) to enter into agreements or other transactions with the commonwealth or a political subdivision or public instrumentality of the commonwealth, the United States government or a federal, state or other governmental agency;

(f) to borrow money and to execute notes which shall not be considered to be debts or obligations of the town, to hold mortgages and to invest any funds not required for immediate disbursement in any investments that may be lawful for fiduciaries in the commonwealth, but the board shall have no stock;

(g) to enter into contracts or agreements with, and to employ from time to time, contractors, architects, engineers, consultants, attorneys, accountants, construction, financial and other experts, superintendents, managers and other agents and employees that may be necessary in its judgment and to fix their compensation;

(h) to receive and hold funds appropriated by the town and other funds, property, labor and other things of value from any source, public or private, by gift, grant, bequest, loan or otherwise, either absolutely or in trust, and to expend or use these amounts on behalf of the board for any of its purposes or to act as an agent or conduit in administering or disbursing funds or financial or other aid from any source;

(i) to appear in its own behalf before boards, commissions, departments or other agencies of government, municipal, state or federal;

(j) to procure insurance against any loss in connection with the property or activities of the board, in the amounts and from insurers that it may consider necessary or desirable and to indemnify its members or agents to the extent specified from time to time in the by-laws of the board and subject to and in the manner provided in section 6 of chapter 180 of the General Laws;

(k) to formulate and carry out or monitor plans for projects involving the acquisition or operation of housing facilities of any kind or nature and to construct, reconstruct, renovate, expand, extend, improve, repair, remodel, equip, furnish, maintain, manage and operate these facilities;

(l) to fix and revise from time to time and to charge and collect rates, fees, rentals and other charges and sales prices for or in connection with the use, occupancy or other disposition of any housing facility or other property or portion of property under its ownership or control;

(m) to establish, impose, grant or amend, by deed, lease or other means or method, and to hold the benefit of, monitor, exercise and enforce lawful restrictions on the rental, sale, resale, use or occupancy of housing facilities or other property under its ownership or control or other facilities or property designated by the board of selectmen or restrictions with respect to the income of owners, tenants or occupants of these housing facilities or other property or options and rights of first refusal with respect to these facilities or property and to waive, release or discharge any such rights or restrictions, but the foregoing shall not apply to any town-owned real estate or facilities except upon the vote of the town meeting;

(n) to enter into, perform or monitor agreements or other transactions with contractors, developers, brokers or other real estate professionals or any other person relating to the providing of affordable housing for persons of low and moderate income in the town;

(o) to establish policies and procedures for and to implement a program, called the housing purchase program, under which the board will assist income-eligible home buyers to purchase homes within the town through the sharing of equity ownership or via direct loan for a down payment or portion of the purchase price of a home, this equity or loan to be repaid to the board at the time of the sale of the home;

(p) to establish eligibility requirements for the housing purchase program including income requirements connected to the Boston area's median family income, and other requirements which may include, but are not limited to, minimum residency or town employment status;

(q) to do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this act. The board may delegate to any subcommittee or member of the committee any action which the board is authorized to do or make. The board may be a partner in any business enterprise which it would have power to conduct by itself.

SECTION 3. Notwithstanding any general or special law to the contrary, the income, assets and activities of the board shall be exempt from all taxes and assessments, and the board shall not be subject to chapter 63 of the General Laws or to any taxes based upon or measured by property or income imposed by the commonwealth or by any political subdivision of the commonwealth, except that properties owned in part by the board under the housing purchase program of clause (o) of section 2 shall not be exempted from taxes based upon or measured by property under this section. The board may enter into agreements with the assessor of the town of Concord under which the board shall undertake to make annual payments to the town in lieu of taxes in connection with any real property acquired

and owned by the board, the amounts of these payments to be reasonable sums stipulated in the agreement or agreements or determined in accordance with a stipulated reasonable formula.

SECTION 4. Without limiting the powers of the board, the board may receive, expend and use for its purposes all interests in town owned real estate and proceeds of the sale by the town of Concord of certain lands, properties, and surplus buildings, as voted by the town but not otherwise. In addition, the town may appropriate other funds for the carrying out by the board of its purposes as set forth in this act. Any appropriation for these purposes may be raised by the town by taxation. At least annually, the board shall cause independent audits to be made of its books and records and these annual audits shall be filed with the board of selectmen. The board shall make an annual report of its activities and operations to the board of selectmen.

SECTION 5. In the event that the board shall be dissolved in accordance with law at any time, all property and interests in property, assets and rights of the board existing at the time shall be transferred to the town of Concord, and title to this property and all rights in it shall vest in the town automatically without the need for further action or instrument, and the town shall, to the maximum extend permitted by law and acting by and through its board of selectmen, assume, hold and exercise the powers and duties of the board set forth in this act with respect to the property and rights transferred to the town.

SECTION 6. This act shall take effect upon its passage.

Approved August 23, 2006.

Chapter 276. AN ACT AUTHORIZING THE VOTERS OF THE CITY OF NEW BEDFORD TO DETERMINE IF THE PUBLIC WATER SUPPLY SHOULD BE FLUORIDATED.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 8C of chapter 111 of the General Laws or any other general or special law to the contrary, the state secretary shall cause the following question to be placed on the ballot to be used in the city of New Bedford at the state general election to be held on November 7, 2006:

Shall the public water supply for domestic use in the City of New Bedford be fluoridated?

If the majority of votes in answer to this question is in the negative, the water supply of the city of New Bedford shall not be fluoridated, and the fluoridation of the water supply shall not be ordered again by the board of health for a period of at least 2 years from the date of that vote.

SECTION 2. If this act is not in effect on September 8, 2006, section 1 shall not apply and this section shall apply. Notwithstanding section 8C of chapter 111 of the General Laws or any other general or special law to the contrary, the following question shall be placed on the ballot to be used at the next regular city election:

Shall the public water supply for domestic use in the City of New Bedford be fluoridated?

If a majority of votes in answer to this question is in the negative, the water supply of the city of New Bedford shall not be fluoridated, and the fluoridation of the water supply shall not be ordered again by the board of health for a period of at least 2 years from the date of that vote.

SECTION 3. This act shall take effect upon its passage.

Approved August 30, 2006.

Chapter 277. AN ACT RELATIVE TO A CERTAIN CORPORATE CREDIT UNION.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 216 of the acts of 1932, as amended by section 2 of chapter 157 of the acts of 1992, is hereby amended by striking out the first sentence and adding in place thereof the following 3 sentences:— The corporation may invest its funds in loans to members in such manner as its bylaws may prescribe, may borrow money for such purpose and may secure such borrowing by pledging or granting a security interest in any of its assets. It may invest in or loan to a credit union service organization established by the corporation solely for the purpose of performing the functions of item processing, securities brokerage services, financial and investment advisory services, investment services, or loan support services subject to any limitations and restrictions for a federal corporate credit union service organization. The establishment of investment in loans to such service organization shall be subject to the approval of the commissioner under such terms and conditions as he may impose.

SECTION 2. Said chapter 216 of the acts of 1932, as amended by chapter 157 of the acts of 1992, is hereby further amended by adding the following section:—

Section 8. (A)(1) The corporation may consolidate or merge with any corporate credit union into a single state or federally-chartered corporate credit union on such terms as shall have been agreed upon by a vote of two-thirds of the board of directors of the corporation and approved at the annual or special meeting of the members of the corporation called for that purpose, by a vote of at least two-thirds of those members present, qualified to vote, and voting. A plan of consolidation or merger, approved by a two-thirds vote of the board of directors shall be submitted to the members at the meeting. The plan of consolidation or merger shall include the elements of a notice of a merger required by regulations

of the National Credit Union Administration, and such additional information as may be required by the commissioner. The meeting shall be held in accordance with the by-laws. At such meeting, each member shall have 1 vote. Upon receipt of the required approval of the members, articles of consolidation or merger shall be filed with the commissioner, which shall state: (i) the names of the corporations and the name of the resulting or surviving corporation; (ii) the effective date of the consolidation or merger determined pursuant to the agreement of consolidation or merger; and, (iii) any amendment to the charter or articles of organization of the surviving corporation to be effected pursuant to the consolidation or merger. Such articles of consolidation or merger shall be signed by the president or a vice president and the clerk or an assistant clerk of each corporation, who shall state under the penalties of perjury that the agreement of consolidation or merger has been duly executed on behalf of such corporation and has been approved by the members as required.

(2) No such consolidation or merger shall occur until approved in writing by the commissioner under such terms and conditions as he may impose. Upon his approval of the consolidation or merger, the commissioner shall endorse his approval upon said articles of consolidation or merger. Upon the endorsement of the commissioner, such articles of consolidation or merger shall be filed with the secretary of state, together with the following information which shall not for any purpose be treated as a permanent part of the charter or articles of organization of the resulting or surviving corporation: (a) the post office address of the initial principal office of the resulting or surviving corporation in the commonwealth; (b) the name, residence and post office address of each of the initial trustees or directors and the president, treasurer and clerk of the resulting or surviving corporation; (c) the fiscal year of the resulting or surviving corporation initially adopted; (d) the date initially fixed in the by-laws for the annual meeting of the members of the resulting or surviving corporation. The consolidation or merger shall become effective when the articles of consolidation or merger are filed with the secretary of state, unless said articles specify a later effective date, in which event the consolidation or merger shall become effective on such later date.

(3) Upon the consolidation or merger of the corporation under the provisions of this section, the corporate existence of all but 1 of the consolidating or merging corporations shall be discontinued and consolidated or merged into that of the remaining corporation, which shall continue; and the charter of each other corporation shall terminate. All of the rights and privileges of each consolidating corporation and its right, title and interest to all property of whatever kind and thing in action, and every right, privilege, interest or asset of conceivable value or benefit then existing which would inure to it except for such consolidation or merger, shall fully, and without any right of reversion, be transferred to or vested in the continuing corporation, without further act or deed and the continuing corporation shall have and hold the same in its own right to every extent that the same was owned and held by the consolidating or merging corporation from which it was transferred.

(4) A consolidating or merging corporation's rights, obligations and relations to any person, member, creditor, trustee or beneficiary of any trust, as of the effective date of the consolidation or merger, shall remain unimpaired and the continuing corporation shall, by

the consolidation or merger, succeed to all such relations, obligations and liabilities, as though it had itself assumed the relation or incurred the obligation or liability; and its liabilities and obligations to creditors, existing for any cause whatsoever, shall not be impaired by the consolidation or merger; nor shall any obligation or liability of any member in any such corporation, continuing or consolidating or merging, which is party to the consolidation or merger, be affected by any such consolidation or merger, but such obligations and liabilities shall continue as fully and to the same extent as the same existed before the consolidation or merger.

(5) A pending action or other judicial proceeding to which any of the consolidating or merging corporations is a party shall not be considered to have abated or to have discontinued by reason of the consolidation or merger, but may be prosecuted to final judgment, order or decree in the same manner as if the consolidation or merger had not been made; or the continuing or merging corporation may be substituted as a party to any such action or proceeding to which the consolidating or merging corporation was a party, and any judgment, order or decree may be rendered for or against the continuing corporation that might have been rendered for or against such consolidating or merging corporation if the consolidation or merger had not occurred. For the purposes of this section, a corporate credit union shall mean a corporate credit union insured by the National Credit Union Share Insurance Fund with its main office in any state in the United States.

(B)(1) At any regular or special meeting, if proper notice of the purpose has been given, the members, upon recommendation of not less than two-thirds of the board of directors, may, by a two-thirds vote of those present and entitled to vote, vote to liquidate the corporation. A committee of 4 members shall thereupon be elected by the members of the corporation for the purpose of conserving and liquidating the assets under the direction of the commissioner. Any vacancy in the membership of the committee shall be filled by the remaining members thereof. The committee, in the name of the corporation, may prosecute and defend all suits and other legal proceedings and may execute all deeds and other instruments necessary to effectuate any sale of real or personal property or any compromise authorized by the committee; and any instrument so executed shall be valid and effective to the same extent as though executed by the officers of the corporation by authority of its board of directors or of its members. After the corporation has voted to liquidate, no receipts shall be accepted for, or withdrawals be allowed from, its share or deposit accounts and no shares shall be transferred to deposits. No loans shall be offset against shares except as approved by the committee. After the payment of all debts and deposits, all holders of claims arising out of the ownership of shares, including persons who have not received payment for shares after requesting the withdrawal thereof, shall be entitled to the remaining assets in liquidation in proportion to their respective interests therein. The power and authority of the corporation to transact business, of any kind whatsoever, when it is in the process of liquidation shall terminate except for such business as may be necessary for the purpose of discharging existing obligations and liabilities.

(2) Funds representing unclaimed dividends in liquidation and remaining in the hands of the liquidating committee for 6 months after the date of the final dividend shall be deposited by them, together with all books and papers of the corporation, with the commissioner. Such funds shall be deposited in 1 or more trust companies, savings banks or national banks or on paid-up shares and accounts of, and in, cooperative banks, or be used to purchase share accounts of a federal savings and loan association located in the commonwealth to the credit of the commissioner in his official capacity in trust for the members of the corporation entitled thereto, according to their several interests. Upon receipt of evidence satisfactory to him, the commissioner may pay over the money so held by him to the persons respectively entitled thereto.

(3) In cases of doubt or of conflicting claims regarding the funds described in paragraph (2), the commissioner may require an order of the supreme judicial court authorizing and directing the payment thereof. He may apply the interest earned by these funds toward defraying the expenses incurred in the payment of the unclaimed dividends. At the expiration of 12 months from the date of their receipt, the funds still remaining in the hands of the commissioner shall be disposed of as provided in section 35 of chapter 167.

Approved August 30, 2006.

Chapter 278. AN ACT RELATIVE TO THE TREATMENT OF WASTE WATER IN THE TOWN OF WESTBOROUGH.

Be it enacted, etc., as follows:

The towns of Westborough and Shrewsbury may amend an agreement entered into by the 2 towns, as authorized by chapter 412 of the acts of 1979, entitled "Agreement for the Construction and Operation of the Westborough Treatment Plant" dated September 11, 1979, to: (i) include a provision allocating the design flow capacity and of the treatment plant between the 2 towns, as mutually agreed upon; (ii) authorize the town of Westborough to adopt sewer regulations or by-laws pursuant to the recommendations and determinations set forth in an engineering study entitled "Wastewater Allocation Study", prepared by Earth Tech Inc. and dated April 8, 2005, requiring the applicant for a new or expanded sewer connection to first determine whether the subject property is suitable for an on-site waste water disposal system and, if it is, the town of Westborough may limit or prohibit new or expanded sewer connections for the development; and (iii) provide that, notwithstanding section 3 of chapter 83 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Westborough shall not be required to commit any home, facility or lot to the town's sewer system for the purpose of addressing sewer capacity constraints in the Wastewater Allocation Study.

Approved August 30, 2006.

Chapter 279. AN ACT RELATIVE TO PROCESSING OF FUNDS.

Be it enacted, etc., as follows:

SECTION 1. Section 4-406 of chapter 106 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the figure "167D", in line 53, the following words:- and section 31 of chapter 171.

SECTION 2. Chapter 167B of the General Laws is hereby amended by striking out section 6, as so appearing, and inserting in place thereof the following section:-

Section 6. A person shall not issue to a consumer an access device to the consumer's account for the purpose of initiating an electronic fund transfer other than: (1) in response to a request or application therefor and upon verification of the consumer's identity, which may be by any reasonable means such as by photograph, fingerprint, personal visit, signature comparison or appropriate non-documentary means; or (2) as a renewal of, or in substitution for, an accepted access device, whether issued by the initial issuer or a successor.

SECTION 3. Said chapter 167B is hereby further amended by striking out section 17, as so appearing, and inserting in place thereof the following section:-

Section 17. A financial institution shall comply with the requirements and a consumer shall be entitled to the remedies for error resolution for an electronic fund transfer required in accordance with the Electronic Funds Transfer Act, 15 USC 1693 *et seq*. and regulations promulgated thereunder. If in an action under section 20, the court finds that the financial institution knowingly and willfully concluded that the consumer's account was not in error when the conclusion could not reasonably have been drawn from the evidence available to the financial institution at the time of its investigation, then the consumer shall be entitled to treble damages determined under clause (1) of subsection (a) of said section 20.

SECTION 4. Section 18 of said chapter 167B, as so appearing, is hereby amended by striking out, in lines 6 to 8, inclusive, the words ", such issuer has provided the consumer with a self-addressed, prestamped notification to be mailed by the consumer in the event of the loss or theft of the access device".

SECTION 5. Chapter 167D of the General Laws is hereby amended by striking out section 27, as so appearing, and inserting in place thereof the following section:-

Section 27. A bank or federally-chartered bank which accepts a deposit for demand deposit or other account subject to withdrawal by negotiable or transferable instrument for the purpose of making a transfer to a third party shall, if requested by the depositor, provide without charge not less than 25 cancelled instruments or legible copies of the fronts and backs thereof per calendar year; but, if requested by a depositor who is blind the bank shall make additional accommodations to provide additional cancelled instruments or information thereon as is possible in accordance with the Check Clearing for the 21st Century Act, 12 USC 5001 et seq., and regulations promulgated thereunder. Section 4-406 of chapter 106 shall be subject to this section.

SECTION 6. Section 31 of chapter 171 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

A credit union which accepts deposits or shares for accounts subject to withdrawal by negotiable or transferable instrument for the purpose of making transfers to third parties shall, if requested by the depositor or shareholder, provide without charge not less than 25 cancelled instruments or legible copies of the fronts and backs thereof per calendar year; but, if requested by a depositor who is blind the credit union shall make additional accommodations to provide additional cancelled instruments or information thereon as is possible in accordance with the Check Clearing for the 21st Century Act, 12 USC 5001 et seq., and regulations promulgated thereunder. Section 4-406 of chapter 106 shall be subject to this section.

Approved August 30, 2006.

Chapter 280. AN ACT AUTHORIZING THE CITY OF FITCHBURG TO ABATE CERTAIN TAXES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law, rule or regulation to the contrary, the city of Fitchburg, acting through its board of assessors may abate all real estate taxes and related interest and charges on those taxes due and owing for the fiscal year 1998, on the properties located at and identified as:

198 Cedar Street	Map 13 Block 33 Lot 0
99 Snow Street	Map 32 Block 44 Lot 0
107 Snow Street	Map 32 Block 42 Lot 0
124 North Street	Map 32 Block 86 Lot 0
103 Snow Street	Map 32 Block 43 Lot 0
113 Snow Street	Map 32 Block 41 Lot 0
130 North Street	Map 32 Block 87 Lot 0
116 North Street	Map 32 Block 84 Lot 0
west side North Street	Map 32 Block 85 Lot 0

And for fiscal year 2000 on the properties located at and identified as:

349 Highland Avenue	Map 13 Block 23 Lot 0
129 Snow Street	Map 32 Block 37 Lot 0

And for fiscal year 2001 on the property located at and identified as:

95 Snow Street	Map 32 Block 45 Lot 0

These properties have been conveyed to Fitchburg State College during the specified fiscal year.

SECTION 2. This act shall take effect upon its passage.

Approved August 30, 2006.

Chapter 281. AN ACT PROTECTING CERTAIN REAL PROPERTY IN THE CITY OF NORTHAMPTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 6 of chapter 40A of the General Laws or any other general or special law or ordinance to the contrary, the property located at 540 Ryan road in the city of Northampton shown on city map 29 as lots 105 and 106 shall be considered 2 separate lots and shall be subject to all protections that would have applied if the lots had never been held in common ownership.

SECTION 2. This act shall take effect upon its passage.

Approved August 30, 2006.

Chapter 282. AN ACT ESTABLISHING A SICK LEAVE BANK FOR KAREN W. BOYSON, AN EMPLOYEE OF THE TRIAL COURT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the trial court shall establish a sick leave bank for Karen W. Boyson, a probation case specialist of the Barnstable division of the Barnstable county juvenile court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Karen W. Boyson. Whenever Karen W. Boyson terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.

Approved August 30, 2006.

Chapter 283. AN ACT ESTABLISHING A SICK LEAVE BANK FOR GEORGE MAZAREAS, AN EMPLOYEE OF THE EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the executive office of economic development, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the executive office of economic development shall establish a sick leave bank for George Mazareas, an employee of the office. Any employee of an agency within the executive office of economic development may voluntarily contribute 1 or more of his sick, personal or vacation days to the sick leave bank for use by George Mazareas. Whenever George Mazareas terminates employment with the office or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved August 30, 2006.

Chapter 284. AN ACT ESTABLISHING A SICK LEAVE BANK FOR FRANCES M. RAVISH, AN EMPLOYEE OF THE TRIAL COURT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Frances M. Ravish, an employee of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Frances M. Ravish. Whenever Frances M. Ravish terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.

Approved August 30, 2006.

Chapter 285. AN ACT ESTABLISHING A SICK LEAVE BANK FOR JAN O. MODZELESKI, SR., AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for an employee of the department of correction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the department of correction shall establish a sick leave bank for Jan O. Modzeleski, Sr., an employee of said department. Any employee of said department may voluntarily contribute 1 or more of his sick, personal, or vacation days to the sick leave bank for use by Jan Modzeleski, Sr. Whenever Jan O. Modzeleski, Sr. terminates employment with said department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved August 30, 2006.

Chapter 286. AN ACT ALLOWING ADJUSTMENTS TO THE PRESCRIPTION ADVANTAGE PROGRAM.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to maintain forthwith fiscal viability of the subsidized catastrophic prescription drug insurance program, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, in order to maintain the fiscal viability of the subsidized catastrophic prescription drug insurance program, hereinafter referred to as the "prescription advantage program", authorized by section 39 of chapter 19A of the General Laws, cost sharing required of enrollees in the form of co-payments, premiums, and deductibles, or any combination thereof, may be adjusted by the department of elder affairs to reflect price trends for outpatient prescription drugs, as determined by the secretary of elder affairs. The secretary shall not implement such cost sharing increases required of enrollees in the form of co-payments, premiums, and deductibles or any combination thereof, unless the executive office has given 90 days notice to the general court and has received approval of the proposed plan from a majority of the general court. In addition to the eligibility requirements set forth in said section 39 of said

chapter 19A, to be considered eligible for the prescription advantage program, individuals who receive Medicare and are applying for, or are then enrolled in, the prescription advantage program shall also be enrolled in a Medicare prescription drug plan, a Medicare Advantage prescription drug plan, or in a plan which provides creditable prescription drug coverage as defined by section 104 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, hereinafter referred to as "MMA," and which provides coverage of the cost of prescription drugs actuarially equal to or better than that provided by Medicare Part D, hereinafter a "creditable coverage" plan.

In addition to the eligibility requirements set forth in said section 39 of said chapter 19A, to be considered eligible for the prescription advantage program, individuals who receive Medicare and are applying for, or are then enrolled in, the prescription advantage program, who may qualify for the low-income subsidy, so-called, provided under the MMA Subpart P - Premiums and cost-sharing subsidies for low-income individuals, shall apply for those subsidies. To the extent permitted by MMA and regulations promulgated thereunder, and all other applicable federal law, the prescription advantage program may apply on behalf of a member for enrollment into a Medicare prescription drug plan or for the low-income subsidy provided under MMA and may receive information about the member's eligibility and enrollment status necessary for the operation of the prescription advantage program.

For enrollees who qualify for enrollment in a Medicare Part D plan, the prescription advantage program will provide a supplemental source of financial assistance for prescription drug costs, hereinafter referred to as "supplemental assistance" in lieu of the catastrophic prescription drug coverage provided pursuant to said section 39 of said chapter 19A. The prescription advantage program will provide supplemental assistance for premiums, deductibles, payments, and co-payments required by a Medicare prescription drug plan or Medicare Advantage prescription drug plan, and will provide supplemental assistance for deductibles, payments and co-payments required by a creditable coverage plan. The department shall establish the amount of the supplemental assistance it will provide enrollees based on a sliding income scale and the coverage provided by the enrollees' Medicare prescription drug plan, Medicare Advantage prescription drug plan, or creditable coverage plan. In addition to the eligibility requirements set forth in section 39 of said chapter 19A, to be considered eligible for the prescription advantage program, an individual must have a household income of less than 500 per cent of the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

Residents of the commonwealth who are not eligible for Medicare will continue to be eligible for the prescription advantage program pursuant to said section 39 of said chapter 19A.

SECTION 2. This act shall take effect as of July 1, 2006.

The foregoing was laid before the Governor on the Twenty-first day of August, 2006 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 287. AN ACT RELATIVE TO THE PURPLE HEART HIGHWAY IN WORCESTER COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 180 of the acts of 1961 is hereby amended by striking out all after the enacting clause and inserting in place thereof the following text:-

State highway route 146 shall be designated and known as the Purple Heart Highway in recognition and honor of the men and women wounded or killed in the line of their military duty. The department of highways shall erect and maintain suitable markers bearing this designation. In addition, that portion of state highway route 146 between interstate highway route 290 at Brosnihan square in the city of Worcester and state highway route 146 intersection with Boston road in the town of Sutton shall be named the Blackstone Valley Parkway. The department of highways shall erect and maintain suitable markers bearing this name.

SECTION 2. Item 6033-9917 of section 2B of chapter 235 of the acts of 2000 is hereby amended by striking out the words "provided further, that the section of state highway route 146 between interstate highway route 290 at Brosnihan square in Worcester and the state highway route 146 intersection with Boston road in Sutton shall be designated the Blackstone Valley parkway;".

Approved September 6, 2006.

Chapter 288. AN ACT AUTHORIZING THE MASSACHUSETTS WATER RESOURCES AUTHORITY TO SUPPLY SEWER SERVICES TO CERTAIN PROPERTY IN THE TOWN OF HINGHAM.

Be it enacted, etc., as follows:

SECTION 1. The Massachusetts Water Resources Authority may provide sewer services through the Hingham Sewer District to the property located at 339 Main street, in the town of Hingham as shown on a deed recorded in the Plymouth county registry of deeds, Book 1806, Page 299, provided that the discharge shall not exceed a maximum of 1,000 gallons per day. The authority may allow the property to use and be serviced by the sewer system to the same extent as parcels of property located within the district currently served by the authority. Costs and expenses incurred for engineering, design, supervision, labor, equipment, and materials relative to the installation of such sewer tie-in shall be paid by the property owner. The work shall be performed in accordance with the specifications of the authority and the work shall be subject to inspection by the authority for the purpose of assuring compliance with specifications. The authority may assess periodic and other charges upon the owner of the property for the use of the sewer system and the provision of services related thereto as are customary and authorized under the authority's enabling act.

SECTION 2. The provisions of sewer services by the Massachusetts Water Resources Authority shall commence only after the board of directors has voted approval having first made findings as set forth in paragraph (c) of section 8 of chapter 372 of the acts of 1984 and having made other determinations in accordance with the applicable policies of the authority and after all required approvals have been received, including, as applicable, the approval of the community in origin, transporting community, other regulatory bodies where required, and of the advisory board of the Massachusetts Water Resources Authority.

Approved September 6, 2006.

Chapter 289. AN ACT RELATIVE TO THE COMMUNITY PRESERVATION ACT.

Be it enacted, etc., as follows:

Section 5 of chapter 44B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 38, the word "creation" and inserting in place thereof the following words:- acquisition, creation.

Approved September 6, 2006.

Chapter 290. AN ACT REQUIRING A DISABLED COMMUTER REPRESENTATIVE ON REGIONAL TRANSIT AUTHORITY ADVISORY BOARDS.

Be it enacted, etc., as follows:

Section 5 of chapter 161B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

One representative of the disabled commuter population shall serve on the advisory board as a non-voting member for a 1 year term. Every city or town in the region, on a rotating basis as determined by the board, shall appoint a representative successively. The mayor or city manager and the chairman, town manager or town administrator shall appoint a resident of the city or town for this purpose. This representative shall be mobility impaired or have a family member who is mobility impaired, be a caretaker of a person who is mobility impaired, or work for an organization that serves the needs of the physically disabled. The representative of a city or town may be reappointed after representatives from the other cities and towns within the region have served their 1 year terms.

Approved September 7, 2006.

Chapter 291. AN ACT FURTHER REGULATING SENIOR HOUSING.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 151B, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 192 to 193, inclusive, the words ", on 1 parcel or on contiguous parcels of land, totaling at least 5 acres in size" and inserting in place thereof the following words:- if the housing owner or manager register biennially with the department of housing and community development.

SECTION 2. Said section 4 of said chapter 151B, as so appearing, is hereby further amended by striking out, in lines 259 to 261, inclusive, the words ", on 1 parcel or on contiguous parcels of land, totaling at least 5 acres in size" and inserting in place thereof the following words:- if the housing owner or manager register biennially with the department of housing and community development.

SECTION 3. This act shall apply only to dwelling units constructed after January 1, 2007.

Approved September 7, 2006.

Chapter 292. AN ACT PROVIDING HEALTH CARE COVERAGE FOR CERTAIN PROSTHETIC DEVICES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting after section 17H the following section:-

Section 17I. (a) The commission shall provide coverage for prosthetic devices and repairs to any active or retired employee of the commonwealth who is insured under the group insurance commission under the same terms and conditions that apply to other durable medical equipment covered under the policy, except as otherwise provided in this section.

(b) In this section, "prosthetic device" shall mean an artificial limb device to replace, in whole or in part, an arm or leg.

(c) Such coverage shall not impose any annual or lifetime dollar maximum on coverage for prosthetic devices other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

(d) Such coverage shall not apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable medical equipment covered under the policy other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

(e) Such coverage may include a reasonable coinsurance requirement for prosthetic devices and repairs, not to exceed 20 per cent of the allowable cost of the prosthetic device or repair, unless all covered benefits applying coinsurance under the plan do so at a higher

amount. If the policy provides coverage for services from nonparticipating providers, the policy may include a reasonable coinsurance requirement for prosthetic devices and repairs, not to exceed 40 per cent of the allowable cost of the device or repair when obtained from a nonparticipating provider, unless all covered benefits applying coinsurance under the plan do so at a higher amount.

(f) Such coverage may require prior authorization as a condition of coverage for prosthetic devices.

SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after section 47Y the following section:-

Section 47Z. (a) Any blanket or general policy of insurance, except a blanket or general policy of insurance which provides supplemental coverage to Medicare or other governmental programs, described in subdivision (A), (C) or (D) of section 110 which provides hospital expense and surgical expense insurance and which is issued or subsequently renewed by agreement between the insurer and the policy holder, within or without the commonwealth, during the period this section is effective, or any policy of accident or sickness insurance as described in section 108 which provides hospital expense and surgical expense insurance, except a policy which provides supplemental coverage to Medicare or other governmental programs, and which is delivered or issued for delivery or subsequently renewed by agreement between the insurer and the policy holder in the commonwealth, during the period that this section is effective, or any employees' health and welfare fund which provides hospital expense and surgical expense benefits and which is promulgated or renewed to any person or group of persons in the commonwealth, while this section is effective, shall provide coverage for prosthetic devices and repairs under the same terms and conditions that apply to other durable medical equipment covered under the policy, except as otherwise provided in this section.

(b) In this section, "prosthetic device" shall mean an artificial limb device to replace, in whole or in part, an arm or leg.

(c) No such policy shall impose any annual or lifetime dollar maximum on coverage for prosthetic devices other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

(d) No such policy shall apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable medical equipment covered under the policy other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

(e) Any such policy may include a reasonable coinsurance requirement for prosthetic devices and repairs, not to exceed 20 per cent of the allowable cost of the prosthetic device or repair, unless all covered benefits applying coinsurance under the plan do so at a higher amount. If such policy provides coverage for services from nonparticipating providers, the contract may include a reasonable coinsurance requirement for prosthetic devices and repairs, not to exceed 40 per cent of the allowable cost of the device or repair when obtained from

a nonparticipating provider, unless all covered benefits applying coinsurance under the plan do so at a higher amount.

(f) Any such policy may require prior authorization as a condition of coverage for prosthetic devices.

(g) Any such policy shall only be required to provide coverage for the most appropriately medically necessary model that adequately meets the needs of the policyholder.

SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after section 8Z the following section:-

Section 8AA. (a) A contract between a subscriber and the corporation under an individual or group hospital service plan which provides hospital expense and surgical expense insurance, except contracts providing supplemental coverage to Medicare or other governmental programs, delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth for coverage for prosthetic devices and repairs. If prosthetic devices are covered as a durable medical equipment benefit, coverage shall be provided under the same terms and conditions that apply to other durable medical equipment covered under the contract, except as otherwise provided in this section. If prosthetic devices are covered as a stand-alone benefit, coverage shall be consistent with the terms and conditions as described in this section.

(b) In this section, "prosthetic device" shall mean an artificial limb device to replace, in whole or in part, an arm or leg.

(c) No such contract shall impose any annual or lifetime dollar maximum on coverage for prosthetic devices other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the contract.

(d) No such contract shall apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable medical equipment covered under the policy other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the contract.

(e) Any such contract may include a reasonable coinsurance requirement for prosthetic devices and repairs, not to exceed 20 per cent of the allowable cost of the prosthetic device or repair, unless all covered benefits applying coinsurance under the plan do so at a higher amount. If the contract provides coverage for services from nonparticipating providers, the contract may include a reasonable coinsurance requirement for prosthetic devices and repairs, not to exceed 40 per cent of the allowable cost of the prosthetic device or repair when obtained from a nonparticipating provider, unless all covered benefits applying coinsurance under the plan do so at a higher amount.

(f) Any such contract may require prior authorization as a condition of coverage for prosthetic devices.

(g) Any such contract shall only be required to provide coverage for the most appropriate medically necessary model that adequately meets the medical needs of the policyholder.

SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after section 4Z the following section:-

Section 4AA. (a) Any subscription certificate under an individual or group medical service agreement, except certificates which provide supplemental coverage to Medicare or other governmental programs that shall be delivered, issued or renewed within the commonwealth shall provide, as benefits to all individual subscribers or members within the commonwealth and to all group members having a principal place of employment within the commonwealth, coverage for prosthetic devices and repairs. If prosthetic devices are covered as a durable medical equipment benefit, coverage shall be provided under the same terms and conditions that apply to other durable medical equipment covered under the policy, except as otherwise provided in this section. If prosthetic devices are covered as a stand-alone prosthetic benefit, coverage shall be consistent with the terms and conditions as described in this section.

(b) In this section, "prosthetic device" shall mean an artificial limb device to replace, in whole or in part, an arm or leg.

(c) No such certificate shall impose any annual or lifetime dollar maximum on coverage for prosthetic devices other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the certificate.

(d) No such certificate shall apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable medical equipment covered under the certificate other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the certificate.

(e) Any such certificate may include a reasonable coinsurance requirement for prosthetic devices and repairs, not to exceed 20 per cent of the allowable cost of the prosthetic device or repair, unless all covered benefits applying coinsurance under the plan do so at a higher amount. If the certificate provides coverage for services from nonparticipating providers, the contract may include a reasonable coinsurance requirement for prosthetic devices and repairs, not to exceed 40 per cent of the allowable cost of the prosthetic device or repair when obtained from a nonparticipating provider, unless all covered benefits applying coinsurance under the plan do so at a higher amount.

(f) Any such certificate may require prior authorization as a condition of coverage for prosthetic devices.

(g) Any such contract shall only be required to provide coverage for the most appropriate medically necessary model that adequately meets the medical needs of the policyholder.

SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after section 4R the following section:-

Section 4S. (a) Individual and group health maintenance contracts shall provide coverage for prosthetic devices and repairs. If prosthetic devices are covered as a durable medical equipment benefit, coverage shall be provided under the same terms and conditions that apply to other durable medical equipment covered under the contracts, except as otherwise provided in this section. If prosthetic devices are covered as a stand-alone prosthetic benefit, coverage shall be consistent with the terms and conditions as described in this section.

(b) In this section, "prosthetic device" shall mean an artificial limb device to replace, in whole or in part, an arm or leg.

(c) A health maintenance contract shall not impose any annual or lifetime dollar maximum on coverage for prosthetic devices other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the contract.

(d) A health maintenance contract shall not apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable medical equipment covered under the contract other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the contract.

(e) A health maintenance contract may include a reasonable coinsurance requirement for prosthetic devices and repairs, not to exceed 20 per cent of the allowable cost of the prosthetic device or repair, unless all covered benefits applying coinsurance under the plan do so at a higher amount. If the health maintenance contract provides coverage for services from nonparticipating providers, the contract may include a reasonable coinsurance requirement for prosthetic devices and repairs, not to exceed 40 per cent of the allowable cost of the prosthetic device or repair when obtained from a nonparticipating provider, unless all covered benefits applying coinsurance under the plan do so at a higher amount.

(f) A health maintenance contract may require prior authorization as a condition of coverage for prosthetic devices.

(g) A health maintenance contract shall only be required to provide coverage for the most appropriate medically necessary model that adequately meets the medical needs of the policyholder.

SECTION 6. This act shall apply to all policies, contracts, agreements, plans or certificates of insurance issued or delivered within the commonwealth on or after January 1, 2007, or upon renewal to all policies, contracts, agreements, plans or certificates of insurance in effect before January 1, 2007.

Approved September 7, 2006.

Chapter 293. AN ACT RELATIVE TO THE ECONOMIC DEVELOPMENT OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which

is to provide forthwith for economic development in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted, etc., as follows:

SECTION 1. The sums set forth in this section, for the purposes set forth in this act and subject to the conditions specified under this act, are hereby authorized for expenditure unless specifically designated otherwise, subject to the provisions of law regulating the disbursement of public funds and approval thereof.

ECONOMIC DEVELOPMENT.

1599-2001 For a reserve to supplement funding provided by section 2 of chapter 132 of the acts of 1993, for selected demolition and asbestos and hazardous waste removal and abatement, for planning, marketing, surveying, site evaluation and site preparation at Northampton State Hospital; provided, that the demolition and asbestos and hazardous waste removal and abatement, planning, marketing, surveying, site evaluation and site preparation process shall be managed by the Massachusetts Development Finance Agency ..... $7,000,000.

SECTION 2. Section 9 of chapter 28A of the General Laws is hereby amended by striking out the definition of "Placement agency" and inserting in place thereof the following definition:-

"Placement agency", a department, agency or institution of the commonwealth, or any political subdivision thereof, or any organization incorporated under the laws of the commonwealth, one of whose principal purposes is providing custodial care and social services to children, which receives by agreement with a parent or guardian, by contract with a state agency or as a result of referral by a court of competent jurisdiction, any child under 18 years of age, for placement in family foster care or a group care facility, or for adoption.

SECTION 3. Section 10 of said chapter 28A is hereby amended by striking out in lines 10 through 11, inclusive, the words "chapter one hundred and eighty" and inserting in place thereof the following words:- the laws of the commonwealth.

SECTION 4. Section 3A of chapter 143 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Unless otherwise provided by the state building code, the local inspector shall enforce the state building code as to any building or structure within the city or town from which he is appointed, including any building or structure owned by any authority established by the general court but not owned in whole or in part by the commonwealth, and the state building

code shall be the code for all buildings and structures within the city or town. In the event of a conflict between the code and a statute, ordinance or bylaw regulating an historic district, regional historic district or architecturally controlled district, the statute, ordinance or bylaw regulating exterior architectural features within that district shall prevail. The inspector shall enforce the state building code as to any building or structure within any city or town that is owned in whole or in part by the commonwealth or any departments, commissions, agencies or authorities of the commonwealth. The inspector shall have all the powers of a local inspector under this chapter and under the state building code as to buildings or structures that are owned in whole or in part by the commonwealth or any of its departments, agencies, commissions or authorities.

SECTION 5. As used in this act, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Agency", the Massachusetts Development Finance Agency established pursuant to section 2 of chapter 23G of the General Laws.

"Assessment parcel", a portion of a certified economic development project upon which a project component of the economic development project shall be developed as more fully described in, or determined in accordance with, an economic development proposal.

"Bonds", when used in reference to the agency, any bonds, notes, debentures, interim certificates, or other financial undertakings for the purpose of raising capital, including, but not limited to, lines of credit, forward purchase agreements, investment agreements and other banking or financial arrangements, issued by or entered into by the agency.

"Certified economic development project", the project defined in an economic development proposal which has been approved by the secretary.

"Commercial component", any component of an economic development project comprising industrial, manufacturing, office, retail, research and development or other commercial facilities, or any combination thereof, including any project component comprising mixed industrial, manufacturing, office, retail, research and development, commercial and residential facilities, as more fully described in or determined in accordance with a certified economic development project; as used in this act, the term "commercial facilities" shall mean facilities used in connection with any trade or business.

"Commissioner", the commissioner of the department of revenue established pursuant to section 2 of chapter 14 of the General Laws.

"Cost of the project" and "Costs", the cost of construction, the cost of acquisition of all lands, structures, rights of way, franchises, easements and other property rights and interests and related riparian rights, the cost of demolishing, removing or relocating any buildings, structures or utilities on any lands to which such buildings, structures or utilities may be moved or relocated, the cost of all labor, materials, machinery and equipment, financing charges, interest on all bonds prior to and during the carrying out of a project and for a period not exceeding one year after completion thereof, the cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of

revenues, other expenses necessary or incidental to determining the feasibility or practicability of projects, administrative expenses and for planning costs and other preliminary expenses and such other expenses as may be necessary or incidental to the public infrastructure improvements, the financing thereof, placing of the same in operation and the issuance of bonds under this act, including but not limited to, the establishment and funding of reserves to secure such bonds.

"Debt service", the principal, interest and premium, if any, on bonds and all other costs and expenses not otherwise funded by bonds which are incurred by the agency in issuing and carrying bonds and otherwise in performing its obligations and duties pursuant to this act.

"Dedicated revenue", new state revenue specifically attributable to an economic development project that is pledged or dedicated by statute to specific purposes other than as provided in this act and not available for appropriation, including, but not limited to, monies dedicated to the Massachusetts Bay Transportation Authority and the State and Local Contribution Fund under the provisions of section 35T of chapter 10 of the General Laws, monies dedicated to the Massachusetts School Building Authority and the School Modernization and Reconstruction Trust Fund under the provisions of section 35BB of chapter 10 of the General Laws, monies dedicated to the Massachusetts Convention Center Authority and the Convention Center Fund under the provisions of section 10 of chapter 152 of the acts of 1997, and monies dedicated to the Massachusetts Tourism Fund under the provisions of section 35J of chapter 10 of the General Laws.

"Department", the Massachusetts Department of Revenue established pursuant to section 1 of chapter 14 of the General Laws.

"Developer", a person or persons, or any successor thereto, excluding institutions of higher education, seeking or having obtained the financial assistance of the agency for public infrastructure improvements in connection with a certified economic development project.

"Economic development district", one or more parcels of real property or interests therein owned by a developer and described in an economic development proposal within which all or a portion of an economic development project shall be developed.

"Economic development proposal", a detailed plan for development of an economic development project within an economic development district.

"Economic development project" or "project", the acquisition, construction, expansion, improvement or equipping of industrial, manufacturing, office, retail, research and development, residential or other commercial facilities, or any combination thereof, including facilities to be used by governmental or non-profit entities, and all lands, buildings, and other structures, equipment and property or interests therein forming a part thereof, located or to be located wholly or partially within an economic development district, and owned or to be owned by a developer or any other person, including but not limited to an economic development project as defined in section 1 of chapter 23G of the General Laws, and all public infrastructure improvements within or adjacent to the certified economic de-

velopment project necessary or desirable for development of such certified economic development project, as more fully described in an economic development proposal.

"Eligible new job", shall be deemed created in the commonwealth on the first day for which Massachusetts personal income tax withholding is required in connection with the compensation paid to the employee employed within a commercial component of an economic development project or the first day for which Massachusetts estimated tax payments are payable by a partner of a partnership occupying all or a portion of a commercial component of an economic development project; provided, however, that a job shall not be considered an eligible new job pursuant to this act if the job replaces a job elsewhere in the commonwealth; provided further, that the term "eligible new job" may be more fully defined by rules, regulations or guidelines promulgated by the secretary or the commissioner, which may include, among other things, retained jobs.

"Financing document", an instrument entered into by the agency with one or more persons pertaining to the issuance or securing of bonds or the application to the purposes of the agency of proceeds of bonds or other funds of the agency. A financing document may include, but need not be limited to, a lease, installment sale agreement, conditional sale agreement, mortgage, loan agreement, trust agreement, security agreement, letter of credit, reimbursement agreement, or currency or interest rate swap agreement. A financing document may also be an agreement between the agency and a lending institution which has agreed to make a loan to a user to finance a project.

"Governing body", in a city having a Plan D or Plan E charter the city manager and the city council and in any other city the mayor and city council, in a town with a town meeting form of government the town meeting and the board of selectmen, and in a town with a town council form of government the town council.

"Infrastructure assessments", amounts assessed by the municipality upon assessment parcels within the economic development project as provided in section 9 to fund the costs, prior to the completion of construction of improvements and occupation thereof, of debt service related to bonds issued by the agency for public infrastructure improvements.

"Local infrastructure development assistance", financial assistance provided by the municipality with respect to public infrastructure improvements in a certified economic development project financed by the agency in accordance with the provisions of this act.

"Municipality", a city or town within which a proposed or certified economic development project is located, if a proposed or certified economic development project is located in more than one city or town, each such city or town.

"Municipal officers", in a city having a Plan D or Plan E charter, the city manager, in any other city the mayor, in a town with a town meeting form of government the board of selectmen and in a town with a town council form of government the town council.

"New revenue", revenue derived from a commercial component of an economic development project by the creation of any eligible new jobs or by new commercial activity that would otherwise not have taken place in the commonwealth on said commercial com-

ponent as each may be more fully defined by any rules, regulations or guidelines promulgated by the secretary or the commissioner.

"New state tax revenues", any new revenue, less any dedicated revenue, collected by the commonwealth from the commercial components of a certified economic development project from: (i) the taxes imposed by chapter 62 of the General Laws on wages as defined in section 1 of chapter 62B of the General Laws and on a partner's distributive share of earned income of a partnership that is subject to taxation as Part B taxable income in accordance with section 17 of said chapter 62 ; (ii) the excises imposed by section 2 of chapter 64H of the General Laws; and (iii) the excises imposed by section 3 of chapter 64G of the General Laws, section 22 of chapter 546 of the acts of 1969 and paragraph (a) of section 9 of chapter 152 of the acts of 1997, as each may be more fully defined by any rules, regulations or guidelines promulgated by the secretary or the commissioner pursuant to section 12.

"Person", any natural or corporate person, including bodies politic and corporate, public departments, offices, agencies, authorities and political subdivisions of the commonwealth, corporations, trusts, societies, associations, and partnerships and subordinate instrumentalities of anyone or more political subdivisions of the commonwealth.

"Project component", one or more buildings or structures to be acquired, constructed, rehabilitated or otherwise improved as a single unit or under common ownership and used as part of an economic development project, as more fully described in, or determined in accordance with, an economic development proposal.

"Public infrastructure improvements", the acquisition, construction or improvement of facilities described in an economic development proposal, or interests therein, owned or to be owned by a municipality or the commonwealth or an agency or instrumentality thereof, including without limitation streets, sidewalks, street lighting, seawalls, docks, wharves and similar facilities, landscaping, water and wastewater facilities, storm drainage systems, bridges, culverts, tunnels, transportation facilities, parks, playgrounds, and recreational facilities, and all similar facilities serving an essential governmental function within or adjacent to an economic development project, and all real property and buildings, structures, equipment and other property, or interests therein, forming a part thereof.

"Secretary", the secretary of the executive office of administration and finance, established pursuant to section 2 of chapter 7 of the General Laws.

"State infrastructure development assistance", financial assistance provided by the commonwealth with respect to public infrastructure improvements in a certified economic development project financed by the agency in accordance with the provisions of this act.

"Treasurer", the treasurer of a municipality or the person exercising the powers of the treasurer under chapter 44 of the General Laws.

"Trust agreement", an agreement or indenture securing one or more series of bonds of the agency and complying with the provisions of this act.

SECTION 6. (a) In addition to the powers granted pursuant to chapter 23G and chapter 40D of the General Laws, the agency is hereby authorized to borrow money and issue

and secure its bonds for the purpose of financing public infrastructure improvements associated with a certified economic development project for which an infrastructure development assistance agreement has been executed, as provided in, and subject to, the provisions of this act; provided further that the provisions of said chapters 23G and 40D of the General Laws shall apply to bonds issued under this section, except that the provisions of subsection (b) of section 8 of said chapter 23G and section 12 of said chapter 40D shall not apply to bonds issued pursuant to this act or to the public infrastructure improvements financed thereby; and provided further, that public infrastructure improvements financed by the agency pursuant to this act shall constitute a project within the meaning of section 1 of said chapter 23G and section 1 of said chapter 40D, but shall not be considered facilities to be used in a commercial enterprise.

(b) In addition to the provisions of said chapter 23G and said chapter 40D of the General Laws pertaining to the security of bonds issued by the agency, bonds issued by the agency pursuant to this act may be secured by any infrastructure assessments received, or to be received, by the agency as provided in section 9, a pledge of state infrastructure development assistance as provided in section 10 and a pledge of local infrastructure development assistance as provided in section 10. Bonds issued pursuant to this act may be issued under, and secured by, a trust agreement or other financing document with such terms and conditions as the agency may determine in accordance with this act and the applicable provisions of said chapter 23G and said chapter 40D; provided, however, that any state or local infrastructure development assistance provided pursuant to section 10 of this act shall be applied solely for the payment of, and security for, bonds issued for the purposes described in paragraph (a) in accordance with the infrastructure development assistance agreement between the agency, the commonwealth, the municipality and the developer executed pursuant to section 8 of this act and shall not exceed the amount necessary for payment of debt service on such bonds.

(c) Bonds issued by the agency pursuant to this act shall not be deemed to be a debt or a pledge of the faith and credit of the commonwealth or any political subdivision thereof and shall be payable solely from state infrastructure development assistance pursuant to section 10 of this act and from any other monies and rights pledged for their payment. All bonds issued by the agency pursuant to this act shall recite that neither the commonwealth nor any political subdivision thereof shall be obligated to pay the same and neither the full faith and credit nor the taxing power of the commonwealth or any political subdivision thereof is pledged to such payment.

(d) Nothing in this act shall be construed to limit or otherwise diminish the power of the agency to finance the costs of projects authorized pursuant to said chapter 23G and said chapter 40D within a certified economic development project upon compliance with the provisions of said chapter 23G and said chapter 40D.

(e) Unless otherwise provided for in the infrastructure assessment agreement, the developer shall be solely responsible for all costs and expenses related to developing, holding, operating and maintaining all lands and other properties within the certified economic

development project, including the costs and expenses of maintaining all public infrastructure improvements included thereon prior to their conveyance to the municipality or other applicable governmental entity except for any costs of such public infrastructure improvements payable from the proceeds of bonds pursuant to this act; provided, however, that the city or any other governmental entity to which any of the public infrastructure improvements financed pursuant to this act shall be conveyed may enter into an agreement with the developer for the maintenance, repair and improvement by the developer of all or any portion of such public infrastructure improvements for such period subsequent to the conveyance thereof by the developer, and with such other terms and conditions, as the parties shall deem appropriate and desirable.

SECTION 7. (a) Prior to an economic development project being eligible for financing from the agency for public infrastructure improvements, the developer shall file an economic development proposal with the municipality. Said economic development proposal shall at a minimum: (i) indicate the boundaries of the economic development district within which the economic development project will be located; (ii) describe the proposed economic development project and the estimated cost of each project component thereof and the expected source of financing for such cost; (iii) establish a timeline for the completion of the economic development project; (iv) include a financial analysis estimating the amount of new state tax revenues to be generated as a result of each commercial component of the economic development project and the total new state tax revenues to be generated by all commercial components of said project; (v) describe the public infrastructure improvements to be installed, constructed, improved, altered, enlarged, repaired, remodeled or reconstructed as part of the economic development project, including the estimated cost thereof; (vi) describe any bonds to be issued by the agency pursuant to this act to finance any public infrastructure improvements included in the proposed economic development project, and the estimated maximum annual debt service thereon; (vii) describe the boundaries of each assessment parcel within the economic development project, or the manner of determining said boundaries; (viii) describe the methodology for the calculation of any infrastructure assessments to be levied by the municipality upon each assessment parcel in the economic development project, or the manner of determining such methodology; and (ix) subject to such permits, variances and other approvals described therein that will be necessary for the development thereof, certify that the economic development project shall conform to the general plan for the municipality as a whole, and any master plan for all or any portion of the economic development district and all applicable zoning, planning, land use, environmental and other laws and regulations of the commonwealth and of the municipality.

(b) Upon receipt of an economic development proposal pursuant to subsection (a), the municipality shall conduct a public hearing to allow for local input on the economic development proposal and shall publish notice of said hearing in the central register published by the state secretary pursuant to section 20A of chapter 9 of the General Laws;

provided further, that said notice shall be sent to those residents who have previously requested notification of said public hearing and shall also be published, at least once each week for the 2 consecutive weeks preceding the hearing, in 2 newspapers with sufficient circulation to inform the people of the municipality; provided further, that said public hearing shall be held in the municipality no later than 14 days after the second consecutive publication in the 2 newspapers. The municipality through its governing body shall, within 1 year of the public hearing, take action on the economic development proposal by approving it, disapproving it, requesting its amendment, or requesting further information; provided further, that a municipality's approval of an economic development proposal shall be evidenced by a ⅔ vote of the governing body.

(c) Upon approval of the economic development proposal by the governing body, the municipality and the developer shall jointly file the approved economic development proposal with the secretary and with the agency. The secretary shall, within 60 days of receipt of said locally approved economic development proposal, take action on the filing by approving it, disapproving it, requesting its amendment, or requesting further information. A developer may, with approval of the municipal officers to whom the proposal was submitted and of the secretary, amend an economic development proposal, except that an increase to the total amount for which a municipality shall be required to provide local infrastructure development assistance shall require approval by a ⅔ vote of the governing body of the municipality. If the secretary approves and certifies the economic development proposal it shall be conclusively evidenced by a certificate of the secretary filed with the department, the agency and the treasurer declaring the economic development proposal to be a certified economic development project; provided, however, that the secretary shall not certify an economic development proposal until: (i) the department, to the extent practicable, certifies that the amount of projected annual new state tax revenues allocable to all commercial components of the economic development project following completion and occupancy thereof will be at least equal to the projected maximum annual debt service due on the bonds, as determined by the secretary, to be issued to fund the public infrastructure improvements related to said project; (ii) the secretary certifies that the developer has received commitments satisfactory to the department for financing sufficient, with equity or other amounts to be provided by the developer and other persons, to fund the costs of construction of the proposed economic development project exclusive of those public infrastructure improvements to be financed by the agency, and shall have obtained a blanket performance bond or other security satisfactory to the secretary and payable to the agency securing the developer's obligation to complete the construction of the proposed economic development project and the public infrastructure improvements included in the economic development proposal in an amount equal to or greater than the outstanding principal amount of any bonds to be issued by the agency to finance costs of public infrastructure improvements; (iii) the secretary certifies that the municipality has established a liquidity reserve for each assessment parcel within an economic development project in an amount equal to twice

the total annual debt service due on the bonds allocable to said assessment parcel established pursuant to section 9 of this act, provided further, that said reserve shall be funded by the municipality and shall be maintained as long as the municipality is obligated to provide local infrastructure development assistance with respect to such assessment parcel; and (iv) the agency certifies that it has approved the proposal.

(d) The secretary shall certify no more than 5 economic development proposals received pursuant to the provisions of this act in a total amount not to exceed $200,000,000; provided further, no economic development proposal which secured municipal approval prior to the effective date of this act shall be certified by the secretary; provided further, that no economic development proposal shall be certified by the secretary after January 1, 2012; and provided further that the secretary shall not approve more than 2 economic development proposals from any one municipality.

SECTION 8. (a) Upon the certification of an economic development project, the commonwealth, acting by and through the secretary, the municipality, acting by and through its treasurer, the agency and the developer shall jointly enter into one or more infrastructure development assistance agreements. In addition to any other requirements provided herein, or in any rules, regulations or guidelines promulgated by the secretary or the department, the infrastructure development assistance agreement shall, at a minimum, provide that: (i) the developer shall construct the public infrastructure improvements in accordance with all applicable federal, state and local laws, rules, regulations and permits, and upon completion, shall convey the public infrastructure improvements, or such interest therein as shall be satisfactory to the secretary and the treasurer of the municipality, to the municipality or other applicable governmental entity; (ii) the developer shall construct each project component of the economic development project and, in the case of each component, until construction is completed by the developer and occupied to the extent provided in the infrastructure development assistance agreement, an infrastructure assessment shall be levied by the municipality as determined in accordance with the provisions of section 9 of this act; (iii) following completion of the first commercial component of an economic development project and occupancy to the extent provided in the infrastructure development assistance agreement, the municipality shall provide local infrastructure development assistance with respect to the economic development project to the extent and for such time as is provided in section 10 of this act; (iv) following completion of the first commercial component of an economic development project and occupancy to the extent provided in the infrastructure development assessment agreement, the commonwealth shall provide state infrastructure development assistance to the extent and for such time as is provided in section 10 of this act; and (v) the municipality shall establish and fund a liquidity reserve for each assessment parcel pursuant to section 7 of this act.

(b) The agency may pledge the infrastructure development assistance agreement and the rights of the agency to receive any infrastructure assessments as provided in section 9, state infrastructure development assistance as provided in section 10 of this act and local infrastructure development assistance as provided in section 10 of this act pursuant to said

agreement as security for the payment of bonds issued by the agency to finance costs of the public infrastructure improvements described in said agreement.

SECTION 9. (a) Upon certification of an economic development project pursuant to section 7 and the execution of an infrastructure development assistance agreement pursuant to section 8 the municipality shall fix, charge and collect an infrastructure assessment, upon each assessment parcel within the certified economic development project in each fiscal year commencing with the fiscal year following the agency's issuance of any bonds to finance the costs of public infrastructure improvements pursuant to the provisions of this act. The infrastructure assessment shall terminate for each assessment parcel upon completion of the project component located within the assessment parcel and occupancy of said project component to the extent provided in the applicable infrastructure development assistance agreement. Infrastructure assessments collected by the municipality shall be forwarded to the commonwealth for reimbursement for state infrastructure development assistance provided with respect to such bonds.

(b) The infrastructure assessments established by a municipality with respect to the assessment parcels included in a certified economic development project shall be initially fixed with respect to the aggregate thereof so as to provide revenues in each fiscal year, commencing with the fiscal year following the agency's issuance of any bonds to finance the costs of public infrastructure improvements pursuant to this act, equal to the debt service payable on such bonds in such fiscal year. Subject to the provisions of the infrastructure development assistance agreement, the assessor of the municipality, with the approval of the treasurer, shall allocate such debt service among all of the assessment parcels within the certified economic development project by such methods as shall be set forth in the certified economic development project; provided further, that said methods may include allocation by length of frontage, or type of project component, including classification of assessment parcels among residential, commercial, industrial and open space uses, or by the square footage of an assessment parcel or an economic development project, or according to the value of the assessment parcel as determined by the assessor or assessors, or by such other method as the assessor or assessors determines shall result in fairly allocating the costs of the public infrastructure improvements financed by such bonds to the real estate in the certified economic development project. The infrastructure assessment on each assessment parcel shall terminate and no longer be payable when the component of the economic development project located within that assessment parcel is completed by the developer and occupied to the extent provided in the applicable infrastructure development assistance agreement. Except as provided herein, infrastructure assessments established by a municipality shall be subject to any rules, regulations, or guidelines promulgated by the secretary and the commissioner pursuant to this act, but shall not otherwise be subject to supervision or regulation by any department, division, commission, board, bureau or agency of the commonwealth and shall not be subject to the provisions of sections 20A and 21C of chapter 59 of the General Laws. Subject to the provisions of the applicable infrastructure development assistance agreement, the treasurer of the municipality shall establish a schedule

for payment of infrastructure assessments levied by the municipality, including provisions relative to the mandatory or optional prepayment of any infrastructure assessments, and a schedule of fees and charges payable by the developer of any assessment parcel as a consequence of any delinquency or default in the payment of any infrastructure assessment thereon.

(c) Unless otherwise provided in the infrastructure development assistance agreement, infrastructure assessments hereunder shall be collected and secured in the same manner as property taxes, betterments, and other special assessments owed to the municipality and shall be subject to the same penalties and to the same lien priority and sale procedures in case of delinquency as is provided in the General Laws for such property taxes, betterments and special assessments. Liens imposed by the municipality for the payment of property taxes under chapter 59 of the General Laws shall have priority in payment over any lien securing payment of any infrastructure assessment hereunder. Each municipality may avail itself of such provisions of the General Laws relative to the assessment, apportionment, division, fixing, reassessment, revision and collection of betterments and other special assessments by cities and towns, and the establishment of liens therefor and interest thereon, as the treasurer and assessor of such municipality shall deem necessary and appropriate for purposes of the assessment and collection of infrastructure assessments under this act.

SECTION 10. (a) The infrastructure development assistance agreement for each certified economic development project shall allocate the debt service payable in each fiscal year on bonds issued by the agency to finance public infrastructure improvements among the commercial components of the certified economic development project in the same proportion as the amount of the projected new state tax revenues for each commercial component bears to the aggregate projected new state revenues for said project. After completion and occupancy of the first commercial component within the certified economic development project, the commissioner shall determine and certify to the secretary and treasurer of the municipality the amount of new state tax revenues generated with respect to each commercial component of the certified economic development project which is completed and occupied, such determination and certification to be made after the commissioner has received the relevant data necessary for such determination and annually thereafter.

(b) To the extent, and for so long as, the commissioner determines that the new state tax revenues generated by a completed and occupied commercial component of a certified economic development project are greater than the allocable debt service apportioned to that commercial component, such amount shall constitute a surplus for said commercial component and the commonwealth shall provide state infrastructure development assistance for the allocable debt service apportioned to that commercial component. To the extent, and for so long as, the commissioner determines that the new state tax revenues generated by a completed and occupied commercial component of a certified economic development project are less than the allocable debt service apportioned to that commercial component, such an

amount shall constitute a shortfall and the municipality shall provide local infrastructure development assistance in an amount equal to the amount of the shortfall. Local infrastructure development assistance shall constitute a general obligation of the municipality to which its full faith and credit shall be pledged. To the extent the municipality shall fail to provide all or any portion of such local infrastructure development assistance to the commonwealth, the secretary shall certify the amount that is unpaid to the state treasurer and the state treasurer shall reduce amounts distributable or payable by the commonwealth to such municipality by the amount unpaid in accordance with section 20 of chapter 59 of the General Laws; provided further, that upon the cumulative annual state tax growth amount for an assessment parcel allocable to a commercial component first exceeding an amount equal to the allocated full bond amount for such commercial component, plus an amount equal to all interest accrued on such component bond amount to date, the municipality shall have no obligation thereafter to provide local infrastructure development assistance with respect to such commercial component of an assessment parcel.

(c) Notwithstanding any provision herein to the contrary, the aggregate local infrastructure development assistance payable by a municipality in any fiscal year due to a shortfall of one or more commercial components of a certified economic development project shall be reduced by the aggregate amount of the new state tax revenue surplus in the same fiscal year of one or more commercial components of a certified economic development project.

SECTION 11. (a) Notwithstanding any general or special law to the contrary, a municipality may contract with the developer of a certified economic development project for said developer to undertake the public infrastructure improvements included in the certified economic development project. Upon completion thereof, the public infrastructure improvements, or such interest therein as shall be satisfactory to the secretary and the municipality, shall be conveyed to the municipality, or a political subdivision thereof, or to the commonwealth, or a political subdivision thereof, designated in the infrastructure development assistance agreement; provided, however, that the sole consideration for said conveyance shall be the financing of the public infrastructure improvements by the agency with the financial assistance of the commonwealth and the municipality.

(b) Unless otherwise provided in the infrastructure development assistance agreement, the developer may sell, mortgage, lease or otherwise encumber or dispose of all or any part of the lands and other properties included within a certified economic development project, other than the public infrastructure improvements included therein, subject to the liens thereon for property taxes payable to the municipality pursuant to chapter 59 of the General Laws and for infrastructure assessments payable pursuant to this act; provided further, that the developer shall be entitled to receive, hold and expend all income and other receipts derived from its interest in the lands and properties included within a certified economic development project and the developer shall be solely responsible for the payment of all taxes, including infrastructure assessments levied pursuant to this act, payable

with respect to or on the developer's operations on such lands and properties; and provided further, that the municipality may abate or otherwise reduce property taxes payable pursuant to chapter 59 of the General Laws on the portion of any such lands and properties included, or to be included, in the public infrastructure improvements within a certified economic development project prior to the conveyance thereof to the municipality or other applicable governmental entity; provided, however, that notwithstanding any other general or special law to the contrary, a certified economic development project receiving financial assistance for public infrastructure improvements pursuant to this act shall not be eligible for: (i) designation as a TIF zone pursuant to section 59 of chapter 40 of the General Laws; (ii) the tax credit described in section 38N of chapter 63 of the General Laws; (iii) a community development action grant pursuant to section 57A of chapter 121B of the General Laws; (iv) a public works economic development program grant under clause (c) of the first paragraph of section 17 of chapter 732 of the acts of 1981; or (v) or any other economic assistance program as may be determined by the secretary or the commissioner.

(c) Notwithstanding any general or special law to the contrary, the provisions of chapter 30B of the General Laws shall not apply to the procurement by any municipality or other governmental entity of public infrastructure improvements financed in accordance with this act and the provisions of sections 38A½ to 38O, inclusive, of chapter 7, section 39M of chapter 30, sections 44A to 44M, inclusive, of chapter 149 of the General Laws and any other general or special law, regulation, ordinance or bylaw providing for the advertising, bidding or awarding of contracts for design or construction or improvement to property shall not apply to the design and construction by the developer of any public infrastructure improvements located in a certified economic development project within Suffolk county. Notwithstanding the foregoing, the provisions of sections 26 to 27F, inclusive, and section 29 of chapter 149 of the General Laws shall apply to the construction by the developer of any public infrastructure improvements in accordance with this act and, in connection with the construction of any such public infrastructure improvements, the developer shall make good faith efforts to comply with the hiring goals contained in any resident hiring policy adopted by the municipality and with any ordinance, bylaw or policy adopted by the municipality relative to contracting with minority and woman-owned enterprises; and to comply with any responsible employer ordinance, so-called, adopted by the municipality.

SECTION 12. The secretary and the commissioner shall promulgate rules, regulations or guidelines relative to the administration and enforcement of sections 5 through 11, inclusive, of this act; provided, however, that said rules, regulations or guidelines shall be promulgated by the secretary and commissioner no later than December 31, 2006.

SECTION 13. (a) Notwithstanding this act, or any other general or special law to the contrary, the town of North Reading and the town of Wilmington shall receive 20 per cent of the net cash proceeds from the sale of real property pursuant to chapter 271 of the acts of 1998, as most recently amended by chapter 7 of the acts of 2001. The percentage of the net cash proceeds shall be divided between the towns based on the percentage of the real property within each town.

(b) For the purposes of this section, the term "Net cash proceeds", shall mean all payments paid to the commonwealth as and when paid, less any transaction-related expenses incurred by the division of capital asset management and maintenance, including, but not limited to, costs associated with the disposal or pre-development of the real property wherefrom the funds originated including, but not limited to, appraisals, surveys, site evaluation, site preparation, plans, recordings, smart growth review and feasibility and other marketing studies and any other expenses relating to the disposal or project management services in connection with any reuse or redevelopment of the real property and less any amounts that may be owing to the federal government as a result of the disposition.

SECTION 14. Notwithstanding any general or special law to the contrary, the state secretary shall cause a nonbinding question relative to the permanent government structure for the ongoing operation and administration of the Devens Regional Enterprise Zone to be placed on the official ballots to be used in the towns of Ayer, Harvard and Shirley at the state general election to be held on November 7, 2006. The question shall be included on the official ballots in those towns only if the form of the question has been agreed upon in writing by the board of selectmen in the town of Ayer, the board of selectmen in the town of Harvard and the board of selectmen in the town of Shirley and submitted to the state secretary not later than 5:00 p.m. on September 8, 2006.

Approved September 7, 2006.

Chapter 294. AN ACT AUTHORIZING THE STATE SECRETARY TO PLACE A CERTAIN QUESTION ON THE OFFICIAL BALLOT FOR THE STATE ELECTION TO BE USED IN THE CITY OF FALL RIVER.

Be it enacted, etc., as follows:

SECTION 1. The state secretary shall place on the official ballot for the state election to be held on November 7, 2006 in the city of Fall River the following question:-

Do you approve of the following loan order which has been adopted by the city council and approved by the mayor?

Yes _____
No _____

ORDERED, That $70,000,000 is hereby appropriated for the additional costs of construction of sewers, sewerage systems and sewage treatment and disposal facilities relative to the remediation of combined sewer overflows, including costs incidental and related thereto; that to raise this appropriation the treasurer, with the approval of the mayor, may borrow $70,000,000, under clause (1) of section 7 and clause (15) of section 8 of chapter 44 and chapter 29C of the General Laws or any other enabling authority, and may issue and sell bonds or notes of the city therefor; that the treasurer, with the approval of the

mayor, may borrow all or any portion of this amount from the water pollution abatement trust, established under said chapter 29C and, in connection therewith, the treasurer and the mayor are each authorized to enter into a loan agreement, project regulatory agreement, security agreement and any other agreements with the trust or the department of environmental protection that may be necessary with respect to the loan and with respect to any state or federal aid that may be recoverable for the project and its financing; and that the mayor and city treasurer may file an application with the municipal finance oversight board to qualify, under chapter 44A of the General Laws, any and all bonds of the city issued under this order and may provide such information and execute such documents as the state municipal finance oversight board may require.

This question may be followed by a summary which the city of Fall River may furnish to the state secretary not later than September 8, 2006.

SECTION 2. Approval of this question at this state election shall have the same force and effect as approval at a general or special city election as required by the ordinances of the city of Fall River.

SECTION 3. This act shall take effect upon its passage.

Approved September 8, 2006.

Chapter 295. AN ACT RELATIVE TO THE RETIREMENT CLASSIFICATION OF EMERGENCY MEDICAL SERVICES EMPLOYEES IN THE TOWN OF BILLERICA.

Be it enacted, etc., as follows:

Notwithstanding paragraph (g) of subdivision (2) of section 3 of chapter 32 of the General Laws or any other general or special law to the contrary, the Middlesex Retirement Board shall classify all members who are full-time employees of the town of Billerica Emergency Medical Services in Group 4 for purposes of retirement. All additional costs and any increase in liability to the retirement system resulting from this act shall be borne solely by the town of Billerica.

This bill was returned by the Governor to the Senate, the branch in which it originated, with his objections thereto, was passed by the Senate on July 31, 2006, and in concurrence by the House of Representatives on July 31, 2006, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 296. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO LEASE CERTAIN PROPERTY IN THE TOWN OF TEWKSBURY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, including chapter 30B and sections 40E to 40I, inclusive, of chapter 7 of the General Laws, the division of capital asset management and maintenance may lease, in consultation with the department of public health, for a term not to exceed 99 years certain land located in the town of Tewksbury to the Tewksbury Hospital Equestrian Farm, a non-profit organization. The parcel is shown on a plan entitled "T.H.E FARM, Livingston Street, Tewksbury, MA", dated December 1, 2005 and prepared by Cuoco Cormier Engineering Associates. The Tewksbury Hospital Equestrian Farm shall use the property to provide therapeutic equestrian programs for the clients of the Tewksbury Hospital, public riding programs, special events for individuals of all abilities and for such other purposes consistent with the mission of the Tewksbury Hospital Equestrian Farm.

SECTION 2. Any lease shall permit the Tewksbury Hospital Equestrian Farm to access rights of way and roads to facilitate ingress and egress. Notwithstanding chapters 30B and 149 of the General Laws or any other laws governing public design or construction procurement, the lease agreement shall contain provisions authorizing the Tewksbury Hospital Equestrian Farm to construct an indoor equine arena and barn and to establish fenced outdoor riding and pasture areas, provided that the costs of construction, operation, improvement, repair and maintenance shall not be born by the town or the commonwealth.

SECTION 3. No lease agreement entered into under section 1, by or on behalf of the commonwealth, shall be valid unless the agreement provides that the property shall be used solely for activities directly related to the purposes described in section 1. If for any reason the property ceases to be used for the purposes described in section 1, the department of public health may terminate the lease. If the lease is terminated, the property shall revert to the commonwealth, under the care, custody and control of the division of capital asset management and maintenance, in consultation with the department of public health.

SECTION 4. Any lease agreement entered into under section 1, by or on behalf of the commonwealth, shall be terminable at the commonwealth's sole discretion upon 6 months advance written notice in the event that the Tewksbury Hospital Equestrian Farm fails to raise substantially all of the funding required to begin construction to establish accommodations suitable for year-round operation within 5 years after execution of the lease agreement. If the lease is terminated, the property shall revert to the commonwealth, under the care, custody and control of the division of capital asset management and maintenance, in consultation with the department of public health.

SECTION 5. The Tewksbury Hospital Equestrian Farm shall be responsible for all costs associated with any appraisal, survey or other expense incurred by the commonwealth relating to the lease of the parcel, and for any costs, liabilities or expenses of any kind for the

development, improvement, maintenance or operation of the parcel as may be determined by the commissioner of capital asset management and maintenance in consultation with the commissioner of public health.

SECTION 6. Any lease agreement entered into under section 1 shall require that the lessee maintain adequate insurance and shall contain such other provisions as the commissioner deems appropriate.

SECTION 7. This act shall take effect upon its passage.

Approved September 14, 2006.

Chapter 297. AN ACT RELATIVE TO A SPECIAL ELECTION IN THE TOWN OF EAST BROOKFIELD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the state secretary shall print on the official state election ballot for the November 7, 2006 state election in the town of East Brookfield the office of selectman to fill a vacancy.

SECTION 2. Not later than 5:00 p.m. on the day following the effective date of this act, the town clerk shall certify to the state secretary a list of candidates, with addresses, in the order in which they are to appear on the ballot, to fill the vacancy in the board of selectmen.

SECTION 3. The list of candidates certified by the town clerk shall include only the names of those persons who submitted nomination papers to the board of registrars for certification of signatures by 5:00 p.m. on August 15, 2006 and whose certified papers were filed with the town clerk by 5:00 p.m. on August 22, 2006, in accordance with the calendar posted at town hall in the town of East Brookfield, and published in the Spencer New Leader and the Worcester Telegram and Gazette.

SECTION 4. This act shall take effect upon its passage.

Approved September 14, 2006.

Chapter 298. AN ACT RELATING TO THE PROCUREMENT AND AWARD OF CONTRACTS FOR REDEVELOPING A CERTAIN PUBLIC HOUSING PROJECT IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Construction and development activity related to redevelopment by the Boston Housing Authority of the federally-funded Franklin Hill public housing project, or any part thereof, shall not be subject to any general or special law related to the procurement

and award of contracts for the construction, reconstruction, installation, demolition, maintenance or repair of any building by a public agency, but shall remain subject to sections 26 to 27H, inclusive, of chapter 149 of the General Laws. Contracts for the construction, reconstruction, alteration, remodeling or repair of any publicly-owned public works which service this project and would otherwise be subject to section 39M of chapter 30 of the General Laws shall not be exempted by this act from said section 39M, if the redevelopment of the project is funded in part by state or federal government low-income housing tax credit, grant or loan, or pursuant to the issuance of tax-exempt bonds authorized by general law. Any conveyance of the project, whether by leasehold or fee estate, to an urban redevelopment corporation organized under chapter 121A of the General Laws or to a nonprofit state and federally tax-exempt corporation organized for the purpose of revitalizing the project shall be subject to chapter 30B of the General Laws to the extent that the project is conveyed to an entity which is not owned, controlled or managed by the Boston Housing Authority on the date of the conveyance.

SECTION 2. This act shall take effect upon its passage.

Approved September 14, 2006.

Chapter 299. AN ACT FURTHER REGULATING ELECTION PRACTICES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to further regulate election practices for elections in the current year, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 11 of chapter 54 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 7 and in line 8, the words "of the city" and inserting in place thereof, in each instance, the following words:- in the commonwealth, except as otherwise provided in section 11B.

SECTION 2. Section 11B of said chapter 54, as so appearing, is hereby amended by striking out, in line 29, the words "of the city" and inserting in place thereof the following words:- in the commonwealth, except as otherwise provided in this section.

SECTION 3. Said section 11B of said chapter 54, as so appearing, is hereby further amended by inserting after the second paragraph the following paragraph:-

Not more than 2 such election officers may be appointed who: (1) are 16 or 17 years of age; (2) are residents of the commonwealth; (3) are United States citizens when appointed; (4) are able to speak, read and write the English language; (5) have provided a letter from a parent or guardian giving permission for them to serve as election officers; (6) have provided

a letter from their school principal giving permission for them to be absent from school to serve as election officers if the election or a training will take place when school is in session or, if home schooled, have provided a copy of the document indicating approval to be home schooled; and (7) agree to attend required training sessions. If an election officer under this paragraph attends a school that encourages or requires community service, serving as an election officer may be considered a community service activity. In no case shall a person 16 or 17 years of age serve as an election officer on the day of an election for more than the number of hours permitted for such a person to work pursuant to section 66 of chapter 149.

SECTION 4. Section 12 of said chapter 54, as so appearing, is hereby amended by striking out, in lines 5 and 6 and in line 39, the words "of the town" and inserting in place thereof, in each instance, the following words:- in the commonwealth, except as otherwise provided in this section.

SECTION 5. Said section 12 of said chapter 54, as so appearing, is hereby further amended by inserting after the third paragraph the following paragraph:-

Not more than 2 such election officers may be appointed who: (1) are 16 or 17 years of age; (2) are residents of the commonwealth; (3) are United States citizens when appointed; (4) are able to speak, read and write the English language; (5) have provided a letter from a parent or guardian giving permission for them to serve as election officers; (6) have provided a letter from their school principal giving permission for them to be absent from school to serve as election officers if the election or a training will take place when school is in session or, if home schooled, have provided a copy of the document indicating approval to be home schooled; and (7) agree to attend required training sessions. If an election officer under this paragraph attends a school that encourages or requires community service, serving as an election officer may be considered a community service activity. In no case shall a person 16 or 17 years of age serve as an election officer on the day of an election for more than the number of hours permitted for such a person to work pursuant to section 66 of chapter 149.

SECTION 6. Section 13 of said chapter 54, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Such election officers shall be enrolled voters so appointed as equally to represent the 2 leading political parties, except that, without disturbing the equal representation of such parties, not more than 1/3 of the election officers not representing either of them may be appointed.

SECTION 7. Said chapter 54 is hereby further amended by inserting after section 48 the following section:-

Section 48A. The state secretary shall provide a voters' bill of rights, which shall summarize appropriate election laws of the United States and the commonwealth as the state secretary determines, in a form suitable for posting for every polling place for every election. The state secretary shall also include the voters' bill of rights in appropriate publications of the state secretary and on the electronic website of the state secretary, and shall transmit copies of the voters' bill of rights to state and municipal offices where citizens register to vote, including but not limited to the offices of city and town registrars of voters, offices of city and town clerks, and offices of the registry of motor vehicles.

The state secretary shall prepare the voters' bill of rights after consulting the joint committee on election laws of the general court, and the state secretary shall revise it to reflect changes in the election laws of the United States and the commonwealth.

SECTION 8. Section 5 of chapter 55 of the General Laws, as so appearing, is hereby amended by inserting after the eleventh paragraph the following paragraph:-

The state secretary, a city or town clerk, or a member of a board of registrars of voters or election commission in any city or town shall not serve as the chairman, treasurer, or other principal officer of any political committee, but any such public officer may serve as the chairman or principal officer, other than treasurer, of the political committee organized on his own behalf. This paragraph shall not apply to city or town clerks who do not administer elections.

Approved September 19, 2006.

Chapter 300. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF WALPOLE.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (C) of section 2-8 of section 1 of chapter 5 of the acts of 1999 is hereby amended by striking out, in lines 2 to 3, the words ", permanent building maintenance advisory committee".

SECTION 2. Paragraph (D) of said section 2-8 of said section 1 of said chapter 5 is hereby amended by striking out, in line 1, the words "the office of".

SECTION 3. Paragraph (E) of section 2-9 of said section 1 of said chapter 5 is hereby amended by striking out subparagraph (4) and inserting in place thereof the following subparagraph:-

(4) Copies of ratified changes in the rules of town meeting shall be made available to all current town meeting representatives in the office of the town clerk.

SECTION 4. Subparagraph (5) of paragraph (G) of said section 2-9 of said section 1 of said chapter 5 is hereby amended by striking out, in line 8, the word "equipment" and inserting in place thereof the following word:- , equipment.

SECTION 5. Said subparagraph (5) of said paragraph (G) of said section 2-9 of said section 1 of said chapter 5 is hereby further amended by striking out, in line 8, the words "or like" and inserting in place thereof the following words:- , cemetery or pond.

SECTION 6. Paragraph (H) of said section 2-9 of said section 1 of said chapter 5 is hereby amended by striking out, in line 1, the word "Paragraph (C)(3)" and inserting in place thereof the following word:- Paragraph (D)(3).

SECTION 7. Section 2-12 of said section 1 of said chapter 5 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

At least 7 days before the session of town meeting at which any collective bargaining agreement is presented for approval or funding, the town meeting representatives and board of selectmen shall be furnished with a written summary explaining the revisions contained in that agreement. In addition, at least 7 days before being presented for approval or funding, a copy of the entire agreement shall be placed on file with the office of town clerk for inspection by any representative town meeting member or resident and shall be posted on the town of Walpole's website. These agreements shall remain posted on the website until at least 5 days after the town meeting is dissolved.

SECTION 8. Clause (a) of subparagraph (4) of paragraph (B) of section 3-2 of said section 1 of said chapter 5 is hereby amended by striking out, in line 3, the words "civil defense director" and inserting in place thereof the following words:- emergency management director.

SECTION 9. Clause (c) of said subparagraph (4) of said paragraph (B) of said section 3-2 of said section 1 of said chapter 5 is hereby amended by striking out, in line 5, the words "street naming committee".

SECTION 10. Paragraph (A) of section 3-6 of said section 1 of said chapter 5 is hereby amended by striking out, in lines 4 and 5, the words "by the commissioner of community affairs of the commonwealth" and inserting in place thereof the following words:- as provided in the General Laws of the commonwealth.

SECTION 11. Subparagraph (1) of paragraph (B) of section 3-8 of said section 1 of said chapter 5 is hereby amended by striking out, in line 10, the words "department of public health" and inserting in place thereof the following words:- department of environmental protection.

SECTION 12. Subparagraph (2) of said paragraph (B) of said section 3-8 of said section 1 of said chapter 5 is hereby amended by striking out, in lines 1 and 2, the words "general responsibility for" and inserting in place thereof the following words:- exclusive charge and control of.

SECTION 13. Said subparagraph (2) of said paragraph (B) of said section 3-8 of said section 1 of said chapter 5 is hereby further amended by striking out, in line 3, the words ", and drains".

SECTION 14. Said subparagraph (2) of said paragraph (B) of said section 3-8 of said section 1 of said chapter 5 is hereby further amended by inserting after the word "administrator", in line 10, the following words:- or the town administrator's designee.

SECTION 15. Subparagraph (1) of paragraph (B) of section 3-9 of said section 1 of said chapter 5 is hereby amended by inserting after the word "trustees", in line 1, the following words:- shall appoint, or may remove consistent with the General Laws, a library director for an indefinite term and.

SECTION 16. Section 4-1 of said section 1 of said chapter 5 is hereby amended by striking out the third paragraph.

SECTION 17. The second paragraph of section 4-2 of said section 1 of said chapter 5 is hereby amended by inserting after the word "appointment", in line 3, the following words:- unless the board of selectmen shall vote to waive this residency requirement, but any waiver shall be effective only as long as the town administrator resides in a city or town located not more than 15 miles from Walpole.

SECTION 18. The fifth paragraph of said section 4-2 of said section 1 of said chapter 5 is hereby amended by striking out, in line 2, the word "temporary" and inserting in place thereof the following word:- acting.

SECTION 19. Said fifth paragraph of said section 4-2 of said section 1 of said chapter 5 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The acting appointment may not exceed 6 months, but may be further extended for a 6 month period.

SECTION 20. Paragraph (A) of section 4-3 of said section 1 of said chapter 5 is hereby amended by inserting after the words "finance director", in line 2, the following words:- , assistant town administrator.

SECTION 21. Paragraph (B) of said section 4-3 of said section 1 of said chapter 5 is hereby amended by inserting after the words "finance director", in line 1, the following words:- , assistant town administrator.

SECTION 22. Said paragraph (B) of said section 4-3 of said section 1 of said chapter 5 is hereby further amended by striking out, in lines 3 to 5, inclusive, the words "; and the positions of plumbing inspector, wire inspector and gas inspector, appointed by the inspector of buildings with the approval of the town administrator require" and inserting in place thereof the following word:- , require.

SECTION 23. Said section 4-3 of said section 1 of said chapter 5 is hereby further amended by striking out, in lines 2 to 3 of paragraph (A), and, in line 1 of paragraph (B), the words "inspector of buildings" and inserting in place thereof, in each instance, the following words:- building commissioner.

SECTION 24. Said section 4-3 of said section 1 of said chapter 5 is hereby further amended by striking out, in line 4 of paragraph (A), and, in line 3 of paragraph (B), the words "health agent" and inserting in place thereof, in each instance, the following words:- health director.

SECTION 25. Paragraph (A) of section 4-4 of said section 1 of said chapter 5 is hereby amended by striking out, in line 1, the words "inspector of buildings" and inserting in place thereof the following words:- building commissioner.

SECTION 26. Said paragraph (A) of said section 4-4 of said section 1 of said chapter 5 is hereby further amended by striking out, in line 2, the words "and the board of selectmen".

SECTION 27. Said section 4-4 of said section 1 of said chapter 5 is hereby further amended by striking out paragraph (B).

SECTION 28. Paragraph (C) of said section 4-4 of said section 1 of said chapter 5 is hereby amended by striking out, in line 2, the words "health agent" and inserting in place thereof the following words:- health director.

SECTION 29. Section 6-6 of said section 1 of said chapter 5 is hereby amended by striking out the title and writing in place thereof the following title:- Public Records.

SECTION 30. Subparagraphs (2) and (3) of paragraph (A) of section 7-6 of said section 1 of said chapter 5 are hereby amended by striking out, in each instance it appears, the word "grounds" and inserting in place thereof, in each instance, the following words:- specific grounds.

SECTION 31. Said subparagraph (3) of said paragraph (A) of said section 7-6 of said section 1 of said chapter 5 is hereby further amended by inserting after the word "clerk", in line 4, the following words:- , provided, however, the recall petition must be filed with the town clerk within 60 days of the date the recall petition was initially issued by the town clerk.

SECTION 32. The second paragraph of section 7-7 of said section 1 of said chapter 5 is hereby amended by inserting after the words "fifteen days", in line 3, the following words:- per charge.

Approved September 19, 2006.

Chapter 301. AN ACT ESTABLISHING ADDITIONAL ECONOMIC TARGET AREAS.

Be it enacted, etc., as follows:

Section 3E of chapter 23A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 178, the word "twenty" and inserting in place thereof the following figure:- 40.

Approved, September 19, 2006.

Chapter 302. AN ACT ESTABLISHING A SICK LEAVE BANK FOR KATHREEN TESSIER, AN EMPLOYEE OF THE DEPARTMENT OF REVENUE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of revenue, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the department of revenue shall establish a sick leave bank for Kathreen Tessier, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Kathreen Tessier. Whenever Kathreen Tessier terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved, September 19, 2006.

Chapter 303. AN ACT INCREASING THE STATUTE OF LIMITATIONS FOR SEXUAL CRIMES AGAINST CHILDREN.

Be it enacted, etc., as follows:

SECTION 1. Subsection (a) of section 178E of chapter 6 of the General Laws, as most recently amended by section 20 of chapter 139 of the acts of 2006, is hereby further amended by striking out the first sentence and inserting in place thereof the following 3 sentences:— Within 5 days of receiving upon sentence any sex offender required to register under sections 178C to 178Q, inclusive, the agency which has custody of the sex offender, including the department of correction, the department of youth services and each of the houses of correction, shall transmit to the board said sex offender's registration data, which shall include identifying factors, anticipated future residence, any anticipated secondary addresses, offense history, documentation of any treatment received for a mental abnormality, the official version of any sex offenses, the mittimus, any prior incarceration history, and the projected maximum release date and the earliest possible release date for the sex offender. All custodial agencies shall inform the board immediately of any transfers of sex offenders so that there may be contact with the offender throughout the classification process. The bureau shall classify such a sex offender at least 10 days before the offender's earliest possible release date.

SECTION 2. Section 178F of said chapter 6, as most recently amended by section 22 of said chapter 139, is hereby further amended by striking out, in lines 15 to 18, inclusive, the words "90 days with the board by mailing to the board on a form approved by the board and signed under the pains and penalties of perjury the sex offender's name, date of birth, home address, any secondary addresses" and inserting in place thereof the following words:— 45 days with the board by mailing to the board on a form approved by the board and signed under the pains and penalties of perjury the sex offender's name, date of birth, primary address, any secondary addresses.

SECTION 3. Section 178F½ of said chapter 6, as most recently amended by section 25 of said chapter 139, is hereby further amended by striking out, in lines 14 and 15, the words "90 days to verify that" and inserting in place thereof the following words:— 45 days

to verify, under the pains and penalties of perjury, that.

SECTION 4. Subsection (a) of section 178H of said chapter 6, as most recently amended by section 27 of said chapter 139, is hereby amended by adding the following paragraph:—

(3) Any person convicted under this subsection who is a level 2 or level 3 sex offender shall, in addition to the term of imprisonment authorized by this subsection, be subject to community parole supervision for life, to be served under the jurisdiction of the parole board, as set forth in section 133D of chapter 127 . The sentence of community parole supervision for life shall commence immediately upon the expiration of the term of imprisonment imposed upon such person by the court or upon such person's release from any post-release supervision or upon the expiration of a continuance without a finding or upon discharge from commitment to the treatment center under section 9 of chapter 123, whichever first occurs.

SECTION 5. Said section 178H of said chapter 6, as most recently amended by said section 27 of said chapter 139, is hereby further amended by striking out subsection (c).

SECTION 6. Subsection (2) of section 178K of said chapter 6, as most recently amended by section 31 of said chapter 139, is hereby further amended by adding the following paragraph:—

(e) No sex offender classified as a level 3 offender shall knowingly and willingly establish living conditions within, move to, or transfer to any convalescent or nursing home, infirmary maintained in a town, rest home, charitable home for the aged or intermediate care facility for the mentally retarded which meets the requirements of the department of public health under section 71 of chapter 111 . Any sex offender who violates this paragraph shall, for a first conviction, be punished by imprisonment for not more than 30 days in a jail or house of correction; for a second conviction, be punished by imprisonment for not more than 2½ years in a jail or house of correction nor more than 5 years in a state prison or by a fine of not more than $1,000, or by both such fine and imprisonment; and for a third and subsequent conviction, be punished by imprisonment in a state prison for not less than 5 years; provided, however, that the sentence imposed for such third or subsequent conviction shall not be reduced to less than 5 years, nor suspended, nor shall any person sentenced herein be eligible for probation, parole, work release or furlough, or receive any deduction from his sentence for good conduct until he shall have served 5 years. Prosecutions commenced hereunder shall neither be continued without a finding nor placed on file.

SECTION 7. Chapter 127 of the General Laws is hereby amended by inserting after section 133D the following section:-

Section 133D½. Any person under court ordered parole supervision or under community parole supervision for life for any offense listed within the definition of "sex offense", a "sex offense involving a child" or a "sexually violent offense", as defined in section 178C of chapter 6, shall, as a requirement of such parole, wear a global positioning system device, or any comparable device, administered by the board at all times for the length of his parole for any such offense. The board shall, in addition to any other condition,

establish defined geographic exclusion zones including, but not limited to, the areas in and around the victim's residence, place of employment and school and other areas defined to minimize the parolee's contact with children, if applicable. If the parolee enters an excluded zone, as defined by the terms of his parole, the parolee's location data shall be immediately transmitted to the police department in the municipality wherein the violation occurred and the board, by telephone, electronic beeper, paging device or other appropriate means. If the board or the parolee's parole officer believes that the parolee has violated his terms of parole by entering an excluded zone as prescribed in this section, the board or parole officer shall cause the parolee to be taken into temporary custody in accordance with section 149A of chapter 127 .

The fees incurred by installing, maintaining and operating the global positioning system device, or comparable device, shall be paid by the parolee. If a parolee establishes his inability to pay such fees, the board may waive them.

SECTION 8. Chapter 265 of the General Laws is hereby amended by adding the following section:-

Section 47. Any person who is placed on probation for any offense listed within the definition of "sex offense", a "sex offense involving a child" or a "sexually violent offense", as defined in section 178C of chapter 6, shall, as a requirement of any term of probation, wear a global positioning system device, or any comparable device, administered by the commissioner of probation, at all times for the length of his probation for any such offense. The commissioner of probation, in addition to any other conditions, shall establish defined geographic exclusion zones including, but not limited to, the areas in and around the victim's residence, place of employment and school and other areas defined to minimize the probationer's contact with children, if applicable. If the probationer enters an excluded zone, as defined by the terms of his probation, the probationer's location data shall be immediately transmitted to the police department in the municipality wherein the violation occurred and the commissioner of probation, by telephone, electronic beeper, paging device or other appropriate means. If the commissioner or the probationer's probation officer has probable cause to believe that the probationer has violated this term of his probation, the commissioner or the probationer's probation officer shall arrest the probationer pursuant to section 3 of chapter 279 . Otherwise, the commissioner shall cause a notice of surrender to be issued to such probationer.

The fees incurred by installing, maintaining and operating the global positioning system device, or comparable device, shall be paid by the probationer. If an offender establishes his inability to pay such fees, the court may waive them.

SECTION 9. Chapter 277 of the General Laws is hereby amended by striking out section 63, as so appearing, and inserting in place thereof the following section:-

Section 63. An indictment for murder may be found at any time after the death of the person alleged to have been murdered. An indictment or complaint for an offense set forth in section 13B, 13F, 13L, 22A, 23 or 24B of chapter 265, for conspiracy to commit any of

these offenses, as an accessory thereto, or any 1 or more of them may be found and filed at any time after the date of the commission of such offense; but any indictment or complaint found and filed more than 27 years after the date of commission of such offense shall be supported by independent evidence that corroborates the victim's allegation. Such independent evidence shall be admissible during trial and shall not consist exclusively of the opinions of mental health professionals. An indictment for an offense set forth in sections 22 and 24 of chapter 265, or for conspiracy to commit either of these offenses or as an accessory thereto or any 1 or more of them may be found and filed within 15 years of the date of commission of such offense. An indictment for an offense set forth in sections 17, 18, 19 and 21 of said chapter 265 or section 17 of chapter 272, for conspiracy to commit any such crime, as an accessory thereto, or any 1 or more of them may be found and filed within 10 years after the date of commission of such offense. An indictment for any other crime shall be found and filed within 6 years after such crime has been committed. Any period during which the defendant is not usually and publicly a resident within the commonwealth shall be excluded in determining the time limited.

Notwithstanding the first paragraph, if a victim of a crime set forth in section 13B, 13F, 13H, 22, 22A, 23, 24B, or 26A of chapter 265, or section 1, 2, 3, 4, 4A, 4B, 5, 6, 7, 8, 12, 13, 17, 26, 28, 29A, 29B, 33, 34, 35 or 35A of chapter 272 is under the age of 16 at the time the crime is committed, the period of limitation for prosecution shall not commence until the victim has reached the age of 16 or the violation is reported to a law enforcement agency, whichever occurs earlier.

SECTION 10. Section 368 of chapter 26 of the acts of 2003 is hereby amended by striking out, in lines 2 and 18, the figure "$50" and inserting in place thereof, in each instance, the following figure:- $75.

Approved September 21, 2006.

Chapter 304. AN ACT EXEMPTING CRAIG BLAKE FROM THE MAXIMUM AGE REQUIREMENTS FOR APPOINTMENT AS A FIREFIGHTER IN THE TOWN OF NORTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 31 of the General Laws or any other general or special law to the contrary, Craig Blake of the town of Norton, a current volunteer firefighter, shall be eligible to have his name certified for original appointment to the position of firefighter in the town of Norton, notwithstanding his having reached the maximum age before taking the civil service examination for this position on June 10, 2006. Craig Blake shall be eligible for certification and appointment to the position of firefighter in the town of Norton if he meets all other requirements for certification and appointment to this position.

SECTION 2. This act shall take effect upon its passage.

Approved September 26, 2006.

Chapter 305. AN ACT ESTABLISHING A SPECIAL COMMISSION ON LONG TERM CARE FOR PERSONS WITH ADULT ONSET DISABILITIES.

Be it enacted, etc., as follows:

SECTION 1. There shall be a special commission to investigate long-term care options for neurologically or physically disabled adults who maintain emotional, psychological and intellectual capacities and who are underserved or unrepresented by a specific state agency. The target population for the investigation is adults between 19 and 59 years of age with adult onset chronic disabilities including, but not limited to, multiple sclerosis, amyotrophic lateral sclerosis, known as Lou Gehrig's disease, spinal cord injuries, muscular dystrophy, arthritis, Parkinson's disease and diabetes.

SECTION 2. The investigation shall include, but not be limited to, the availability, nature and adequacy of the following services for the target population: residential nursing care communities, residential or day facilities and programs or respite care services, community-based housing and support models, and personal care attendant services. Specific information shall be included about programs that provide social opportunities for the target population.

SECTION 3. The commission shall investigate the current status and appropriateness of the residential placement of current residence of the target population in nursing facilities if safe, alternative, beneficial care can be provided in a community setting. The commission shall investigate the geographic concentrations of the target population in order to determine their long-term care needs. The commission shall investigate what specialized services, staff trainings, and expertise are needed to serve the psychosocial, familial, and medical needs of the target population and the appropriate number and location of beds for a specialized residential or respite program.

SECTION 4. The commission shall investigate the demand for 24-hour residential care and treatment for the target population, the capacity of existing facilities to meet that demand, and the means, practicability, social desirability and demand for regional facilities modeled after The Boston Home, Inc. that are newly constructed or converted from existing nursing care facilities.

SECTION 5. The commission shall collect and review data from the Massachusetts office on disability, the office on health and disability of the department of public health, the Massachusetts rehabilitation commission, the division of medical assistance, and any other state or quasi-state agencies or departments with relevant information about waiting lists, the size of the target population, the population frequency by type of disability and location, the

profile of disabled adults in and location of each facility currently offering specialized services, and plans for expansion or closure of facilities offering specialized services. The commission shall also examine non-confidential data from private local agencies and nonprofit organizations serving the target population to determine the met, unmet and statistically anticipated needs of the target population.

SECTION 6. The commission shall assess the fiscal impact, if any, of meeting the residential, psychosocial and physical dependency needs of the target population, including but not limited to a review of: the current status and accounting of available beds or units within existing facilities, the existence of public or private facilities or homes serving this population, determination of whether and how hospital units should be restructured or retrofitted to accommodate the target population, review of the appropriateness of the services offered in the units dedicated to serving the target population, examination of the state and federal regulations governing long-term care facilities, including respite beds for the target population, and evaluation of options for affordability.

SECTION 7. The commission shall consist of the chairs of the joint committee on health care financing or their designees, who shall serve as co-chairs; 1 member of the house of representatives appointed by the minority leader; 1 member of the senate appointed by the minority leader; the secretary of health and human services or his designee; the assistant secretary for the office of disabilities and community services or his designee; the commissioner of public health or his designee from the office on health and disability; the commissioner of medical assistance or his designee; the commissioner of the Massachusetts rehabilitation commission or his designee; the director of the Massachusetts office on disability or his designee; and 4 persons appointed by the governor, 1 of whom shall be a professional from The Boston Home, Inc., 1 of whom shall be a representative from the National Multiple Sclerosis Society, 1 of whom shall be a professional from an organization that serves a segment of the target population and 1 person of the target population.

SECTION 8. The commission may hold public hearings to assist in the collection and evaluation of data and testimony from family members, caregivers, directors of facilities, and other state offices, as well as other sources of information.

SECTION 9. The commission shall file a report of the results of its investigation with the clerks of the house of representatives and senate, the house and senate committees on ways and means and the joint committee on health care financing on or before December 31, 2007. The report shall include recommendations for long-term care options starting from the time of adult onset of disabilities for the target population through and including provision of services by residential nursing care communities for the target population, the cost of maintaining or establishing those facilities, and for legislation necessary to implement or allow for the maintenance, retrofitting, renovation, or construction of facilities for the target population.

The report shall also include recommendations and any legislation necessary to ad-

dress the respite care needs for the target population who continue to be cared for by family members or friends in the community.

Approved September 26, 2006.

Chapter 306. AN ACT AUTHORIZING THE TOWN OF BELLINGHAM TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Bellingham may grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises to Hunan Kitchen, Inc., under section 12 of said chapter 138. The license shall be subject to all of said chapter 138, except said section 17. The licensing authority shall not approve the transfer of the license to any other person, organization, corporation or location.

SECTION 2. This act shall take effect upon its passage.

Approved September 29, 2006.

Chapter 307. AN ACT AUTHORIZING THE TOWN OF HOPKINTON TO ACQUIRE CERTAIN REAL PROPERTY IN THE TOWNS OF UPTON AND MILFORD.

Be it enacted, etc., as follows:

SECTION 1. The town of Hopkinton, acting by and through its board of selectmen, may acquire certain real property and a structure located in the towns of Upton and Milford. The real property and structure are known as the North Pond/Lake Maspenock Dam.

SECTION 2. This act shall take effect upon its passage.

Approved September 29, 2006.

Chapter 308. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN PERMANENT EASEMENTS TO BROCKTON HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the commissioner of the division of capital asset management and maintenance, in consultation

with the commissioner of the department of mental health, may convey to Brockton Hospital Inc., a Massachusetts non-profit corporation, 2 permanent easements over a certain parcel of land, identified as Proposed Access Easement 'A', containing 3,008+/- square feet, and Proposed Access Easement 'B', containing 3,400+/- square feet, both as shown on a plan captioned "Adams Street, Brockton Plymouth County, Massachusetts; Prepared For Brockton Hospital, Inc., 680 Centre Street Brockton, Massachusetts; Title EASEMENT PLAN", dated December 5, 2005, and prepared by J. K. Holmgren Engineering, Inc., Registered Professional Engineers and Land Surveyors, 942 West Chestnut Street in Brockton. These easements shall be for the purpose of constructing, operating and maintaining 1 or more access driveways for vehicular and pedestrian access, as well as constructing utilities to and from Adams Street to the property of the Brockton Hospital, Inc., and for no other purpose. Minor modifications to the easement descriptions set forth in the plans described above may be made in order to conform to a final land survey, as accepted by the division, before any conveyance to carry out the purposes of this act.

SECTION 2. No document transferring ownership, care, custody, control or management of the property described in section 1 shall be valid unless such document provides that the property shall be used solely for easement purposes described in section 1. The document shall include a reversionary clause that stipulates that the property will revert to the commonwealth if the property ceases to be used for the express purposes for which the easements were granted.

SECTION 3. The recipient of the easements shall assume and be responsible for the cost of any appraisals, surveys and other expenses considered necessary by the commissioner of the division of capital asset management and maintenance for the grant of the easements.

SECTION 4. The price paid by the grantee for the easements shall be determined by the commissioner of the division of capital asset management and maintenance based on an independent appraisal. The inspector general shall review and approve the appraisal and the review shall include a review of the methodology used for the appraisal. The inspector general shall prepare a report of his review and file the report with the commissioner of the division of capital asset management and maintenance for submission to the house and senate committees on ways and means and the chairmen of the joint committee on bonding, capital expenditures and state assets.

Approved September 29, 2006.

Chapter 309. AN ACT AUTHORIZING SURVIVING SPOUSES OF VETERANS TO RETAIN OWNERSHIP OF VETERAN REGISTRATION PLATES.

Be it enacted, etc., as follows:

Section 2 of chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:—

Nothing in this section shall be construed to prevent the surviving spouse of a veteran from retaining the distinctive "VETERAN" registration plate until the surviving spouse remarries or cancels or fails to renew the registration.

Approved September 29, 2006.

Chapter 310. AN ACT MAKING APPROPRIATIONS FOR FISCAL YEAR 2006 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to make appropriations for the fiscal year beginning July 1, 2005, and to make certain changes in law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2006, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts and subject to laws regulating the disbursement of public funds. Notwithstanding any general or special law to the contrary, appropriations made in this act shall not revert and shall be available for expenditure until June 30, 2007. The sums in said section 2 shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

JUDICIARY.

Worcester District Attorney.

0340-0401 ..... $13,773

Norfolk District Attorney.

0340-0701 ..... $13,820

Cape and Islands District Attorney.

0340-1001 ..... $113,313

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Department of Revenue

1233-2000 ..... $8,831,475

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Food and Agriculture

2511-0100 ..... $2,000,000

EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT.

Department of Education.

7030-1002 ..... $276,000

Community Colleges.

7514-0100 ..... $375,000
7515-0100 ..... $141,000

EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.

Sheriffs

8910-0110 ..... $460,000

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise, for the several purposes and subject to the conditions specified in this section, and subject to laws regulating the disbursement of public funds. Notwithstanding any general or special law to the contrary, appropriations made in this section shall not revert and shall be available for expenditure until June 30, 2007. The sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items.

TREASURER AND RECEIVER-GENERAL.

Office of the Treasurer and Receiver General.

0610-0060 For the costs associated with the investigation and enforcement division of the alcoholic beverages control commission's implementation of the enhanced liquor enforcement programs, known as Safe Campus, Safe Holidays, Safe Prom, and Safe Summer; provided, that funds from this appropriation shall not support other operating costs of item 0610-0050; provided further, that said commission shall submit a report to the house and senate committees on ways and means not later than March 1, 2007 on the results of said program $350,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Department of Revenue

1233-2006 For reimbursing cities and towns for additional exemptions from the motor vehicle excise granted pursuant to the seventh paragraph of section 1 of chapter 60A of the General Laws ... $1,468,525

Reserves

1599-3386 For a one time matching grant to the Massachusetts Defense Technology Initiative for the purpose of maximizing private sector funding; provided, that the matching grant shall be matched dollar-for-dollar from private sources $110,201

1599-3859 For a reserve to provide state matching funds for a National Science Foundation grant to establish a nanotechnology research center at the University of Massachusetts at Amherst $5,000,000

1599-4200 For a reserve to meet the fiscal year 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the National Association of Government Employees, and to meet the fiscal year 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions, so-called, which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2007 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $14,568,538

1599-4212 For a reserve to meet the fiscal years 2006 and 2007 costs of salary adjustments and other economic benefits authorized by

the collective bargaining agreement between the commonwealth and the Massachusetts Nurses Association, and to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $34,113,125

1599-4213 For a reserve to meet the fiscal years 2006 and 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Plymouth county sheriff and the National Association of Government Employees, Unit RI-110, and to meet the fiscal year 2006 and 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $133,494

1599-4214 For a reserve to meet the fiscal year 2006 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of higher education and the American Federation of State, County and Municipal Employees, Council 93, Local 1067, and to meet the fiscal year 2006 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2006 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $3,455,000

1599-4215 For a reserve to meet the fiscal year 2007 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of higher education and the American Federation of State, County and Municipal Employees, Council 93, Local 1067, and to meet the fiscal year 2007 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2007 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose,

in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $5,945,000

Board of Higher Education.

7066-0100 For reimbursement of the cost of the Massachusetts National Guard tuition and fee waivers pursuant to section 19 of chapter 15A of the General Laws, provided, that no funds shall be distributed from this account prior to certification by the board of higher education of the actual amount of tuition and fees waived for National Guard members attending public higher institutions under said section 19 of said chapter 15A that would otherwise have been retained by the campuses, according to procedures and regulations promulgated by the board in consultation with the boards of trustees and presidents of state and community colleges and the University of Massachusetts; provided further, that the board shall reimburse the state and community colleges and the University of Massachusetts within 30 days of receiving a certified breakout of the costs in a form to be prescribed by said board; provided further, that a copy of said certification shall be provided by each campus to the chairs of the house and senate ways and means committees; provided further, that the board shall provide quarterly reports to the secretary of administration and finance, the house and senate chairs of the joint committee on higher education, the chairs of the house and senate ways and means committees, and the house and senate clerks, detailing by campus the number of students receiving said waivers, the total amount of fees and tuition waived, and the amount provided as reimbursement under this item; and provided further, that funds from this item may be expended through September 15, 2008 for the reimbursement of the tuition and fees waived for classes taken during the summer months $4,424,492

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary of Public Safety.

8000-0036 For the distribution of grants to local police departments, sheriff departments, the department of state police, the department of correction and other state agencies, authorities and educational institutions with law enforcement functions as determined

by the secretary of public safety, for reimbursement for the cost of replacement bulletproof vests, to be administered by the executive office of public safety; provided, that the executive office of public safety shall provide reimbursement for: (a) the replacement of any bulletproof vest which was manufactured with Zylon, (b) the replacement of any bulletproof vest which was purchased on or after July 1, 2000, and is older than 5 years from the date of such purchase, and (c) the purchase of a bulletproof vest for an individual who had not been issued a bulletproof vest previously by such purchasing law enforcement jurisdiction; provided further, that as a condition of receipt of a grant awarded under this item, the recipient shall have made application for reimbursement to any federal grant program established by the United States Department of Justice to assist in the purchase of bulletproof vests, unless the replacement of a vest manufactured with Zylon would be ineligible for reimbursement based on the date of purchase; provided further, that any such costs that are not reimbursed through the receipt of funds from any such federal grant program shall be awarded to an eligible recipient; provided further, that any bulletproof vest which was manufactured with Zylon and has been replaced prior to the effective date of this appropriation shall be reimbursed for the entire replacement cost, less any funds received for such replacement from any federal or state bulletproof vest grant program; provided further, that as a condition for reimbursement, the model type of any such bulletproof vest purchased shall meet the National Institute of Justice Requirements for bullet-resistant body armor in effect at the time of the purchase; provided further, that all applicants for grants under this item shall submit any documentation required by the secretary as a condition of reimbursement; and provided further, that the executive office of public safety may expend not more than $100,000 on costs associated with the administration of this grant program $5,000,000

County Corrections.

8910-0004 For the Bristol county sheriff's department to be allocated at the discretion of the county government finance review board $750,000

SECTION 2B. To provide for supplementing certain intragovernmental chargeback

authorizations in the general appropriation act and other appropriation acts for fiscal year 2006, to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for an alteration of purpose for current intragovernmental chargeback authorizations, and to meet certain requirements of law, the sums set forth in this section are hereby authorized from the Intragovernmental Service Fund for the several purposes specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2006. Notwithstanding any general or special law to the contrary, authorizations made in this act shall not revert and shall be available for expenditure until June 30, 2007. These sums shall be in addition to any amounts previously authorized and made available for the purposes of these items.

EXECUTIVE OFFICE OF PUBLIC SAFETY

Department of State Police

8100-0002 ..... $140,852

SECTION 2C.I. For the purpose of making available in fiscal year 2007 balances of appropriations which otherwise would revert on June 30, 2006, the unexpended balances of the maintenance appropriations listed below, not to exceed the amount specified below for each item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of chapter 45 of the acts of 2005; provided, however, that for items which do not appear in said section 2 of said chapter 45, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this section are re-appropriated from the funds designated for the corresponding item in said section 2 of said chapter 45; provided, however, that for items which do not appear in said section 2 of said chapter 45, the amounts in this section are re-appropriated from the funds designated for the corresponding item in said section 2 or 2A of this act or in prior appropriation acts. The sums re-appropriated herein shall be in addition to any amounts available for said purposes. All amounts appropriated in said section 2 and 2A of this act shall be available for expenditure in fiscal year 2007.

TREASURER AND RECEIVER-GENERAL.

Office of the Treasurer and Receiver General.

0610-2000 ..... $7,868,199

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Reserves

1599-3333 ..... $294,778

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department Of Conservation and Recreation.

2820-0100 ..... $50,000

Department of Early Education and Care.

3000-1000 ..... $254,000

EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT.

Department of Workforce Development.

7003-0600 ..... $934,000

Department of Business and Technology.

7007-0900 ..... $106,156

EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.

Office of the Secretary.

8000-0000 ..... $150,000

Department of State Police.

8100-0022 ..... $350,000

Massachusetts Emergency Management Agency.

8800-0400 ..... $300,000

LEGISLATURE.

Commission on Beaches.

9700-0200 ..... $125,000

SECTION 2C.II. For the purpose of making available in fiscal year 2007 balances of retained revenue and intragovernmental chargeback authorizations which otherwise would revert on June 30, 2006, the unexpended balances of the authorizations listed below, not to exceed the amount specified below for each item, are hereby re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2B of chapter 45 of the acts of 2005 ; provided, however, that for items which do not appear in said section 2 or 2B of said chapter 45, the amounts in this section are re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section 2, 2A, or 2B of this act or in prior appropriation acts. Amounts in this section are re-authorized from the funds designated for the corresponding item in said section 2 or 2B of said chapter 45; provided, however, that for items which do not appear in said section 2 or 2B of said chapter 45, the amounts in this section are re-authorized from the funds designated for the corresponding item in section 2, 2A, or 2B of this act or in prior appropriation acts. The sums re-authorized herein shall be in addition to any amounts available for said purposes.

Department of Housing and Community Development.

7004-9315 ..... $25,356

SECTION 3. Section 2SSS of chapter 29 of the General Laws, as appearing in chapter 168 of the acts of 2006, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The fund shall provide, without further appropriation, grants to students in accredited post-secondary certificate or vocational technology programs or associate degree programs in targeted high-demand occupations.

SECTION 4. Subsection (a) of section 2UUU of said chapter 29 , as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Amounts credited to the Scholarship/Internship Match Fund shall be used, without further appropriation, by the chancellor of higher education or her designee, in accordance with the purpose set forth in this section and in consultation with participating industry and public higher education institutions.

SECTION 5. Subsection (a) of section 2VVV of said chapter 29 , as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Amounts credited to the International Education Fund shall be used, without further appropriation, by the commissioner of education, in consultation with the chairman of higher education and the global education advisory council to carry out subsection (b).

SECTION 6. The first paragraph of section 2XXX of said chapter 29 , as appearing in section 6 of chapter 205 of the acts of 2006 , is hereby amended by striking out the second and third sentences and inserting in place thereof the following 2 sentences:- Amounts credited to the fund shall be administered by the division of local services within the department of revenue which shall determine that the funds are used for activities consistent with the purpose of this act and the Massachusetts management and accounting reporting system. The amounts shall be used, without further appropriation, solely for the administration and implementation of this section.

SECTION 7. Said section 2XXX of said chapter 29 , as so appearing, is hereby further amended by inserting after the first paragraph the following paragraph:-

The fund shall be a separate and expendable trust fund administered by the division of local services within the department of revenue. There shall be credited to the fund, revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund and investment income earned on the fund's assets, and all other sources. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund, and shall be allocated to the regional planning agencies the following fiscal year pursuant to the formula established in the third paragraph.

SECTION 8. Clause Twenty-second D of section 5 of chapter 59 of the General Laws, as appearing in section 9 of chapter 260 of the acts of 2006 , is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

Such exemption shall be available until such time that the surviving spouse dies or remarries; provided, however, that in no case shall the abatement amount exceed the sum of $2,500 in any fiscal year following the fifth fiscal year of receipt of the abatement.

SECTION 9. Item 2800-0107 of section 2E of chapter 352 of the acts of 2004 is hereby amended by inserting after the word "and", in line 49, the following words:- notwithstanding any general or special law to the contrary, the department may direct a grant to the city of Westfield for.

SECTION 10. Item 7004-0099 of section 2 of chapter 45 of the acts of 2005 is hereby amended by striking out, in line 69, the words "economic development of".

SECTION 11. Item 8000-0000 of said section 2 of said chapter 45 is hereby amended by striking out the words "the district attorney for Suffolk county and", inserted by section 116 of chapter 122 of the acts of 2006.

SECTION 12. Chapter 122 of the acts of 2006 is hereby amended by inserting after section 103 the following section:-

Section 103A. Said section 2 of said chapter 45 is hereby further amended by inserting after item 7002-0101 the following item:-

7003-0600 For a contract between the commissioner of workforce development and the Massachusetts Council of Human Service Providers, Inc. for the continued development of an industry-guided, Internet-based workforce development program for approximately 31,000 low-paid, economically disadvantaged, direct care workers who deliver direct care services through community-based organizations pursuant to purchase of service contracts with the executive office of health and human services or agencies within that executive office; provided, that the contract shall provide for quarterly reports to the department of workforce development detailing the number of direct care workers served, the type and duration of training provided, data on the turnover of vacancy rates of contract providers and such other information as the department may require; provided further, that these funds shall: (1) provide essential training and credentialing for the direct care workforce in the human service, contract provider industry funded through the executive office of health and human services; (2) improve recruitment and retention of a well trained direct care workforce which currently has turnover and vacancy rates as high as 40 per cent; (3) improve the quality of services provided to clients referred by the commonwealth; and (4) develop occupational skills and expand the career potential for workers in the commonwealth, including older workers; and provided further, that the council may expend these funds to hire a program director as well as consultants with expertise in the field of human services train-

ing to develop a curriculum and to administer the program using an e-learning or web or Internet-based environment $934,000

SECTION 13. Section 143 of said chapter 122 is hereby repealed.

SECTION 14. Item 1599-7106 of section 2A of chapter 123 of the acts of 2006 is hereby amended by striking out the figure "107" and inserting in place thereof the following figure:- 108.

SECTION 15. Item 0810-0000 of section 2 of chapter 139 of the acts of 2006 is hereby amended by striking out the words "and provided further, that $260,000 shall be expended for the Ella J. Baker House in the city of Boston for violence prevention programs for high-risk youth" and inserting in place the following words:- and provided further, that not more than $260,000 may be expended for the Ella J. Baker House in the city of Boston for violence prevention programs for high risk youth.

SECTION 16. Item 2820-0100 of said section 2 of said chapter 139 is hereby amended by striking out the words "provided further, that not less than $100,000 shall be allocated for an environmental study administered by the commissioner of the department of conservation and recreation to determine the actions necessary to restore complete environmental safety to the General Services Administration property on Greenough Boulevard in Watertown" and inserting in place thereof the following:— provided further, that not less than $100,000 shall be allocated for an environmental study administered by the commissioner of conservation and recreation to determine the actions necessary to restore complete environmental safety to the Sawins Pond Site at Arlington street and Greenough boulevard in Watertown.

SECTION 17. Item 4120-3000 of said section 2 of said chapter 139 is hereby amended by striking out the words "and provided further, that not less than $200,000 shall be expended on special projects in the Charlestown neighborhood of Boston for people with disabilities; and provided further, that not less than $100,000 shall be expended for services provided by the Life Focus Center in the Charlestown neighborhood of Boston" and inserting in place thereof the following words:— ; and provided further, that not less than $300,000 shall be expended for services provided by the Life Focus Center in the Charlestown section of the city of Boston.

SECTION 18. Item 4120-4000 of said section 2 of said chapter 139 is hereby amended by inserting after the words "for independent living assistance service;" the following words:— ; provided, that the amount of funding in the aggregate allocated from this item to independent living centers shall be at least $600,000 more than was allocated to independent living centers from this item in fiscal year 2006.

SECTION 19. Item 4800-0038 of said section 2 of said chapter 139 is hereby amended by striking out the words, "provided further, that not less than $50,000 shall be expended for Family Service, Inc., of Lynn" and inserting in place thereof the following words:— provided further, that not less than $50,000 shall be expended for Family Service, Inc., of Lawrence.

SECTION 20. Item 5920-2000 of said section 2 of said chapter 139 is hereby amended by striking out the figure "$524,742,492" and inserting in place thereof the following figure:- $524,438,492.

SECTION 21. Item 5920-2025 of said section 2 of said chapter 139 is hereby amended by striking out the figure "$117,434,430" and inserting in place thereof the following figure:- $117,738,430.

SECTION 22. Item 6006-0003 of said section 2 of said chapter 139 is hereby amended by striking out the figure "$551,491" and inserting in place thereof the following figure:— $469,533.

SECTION 23. Item 7003-0702 of said section 2 of said chapter 139 is hereby amended by striking out the figure "$9,634,000" and inserting in place thereof the following figure:— $10,134,000.

SECTION 24. Item 7004-0099 of said section 2 of said chapter 139 is hereby amended by striking out the words "provided further, that not less than $200,000 shall be expended to cover costs associated with the relocation of tenants from the Julian D. Steele public housing project" and inserting in place thereof the following words:- provided further, that $200,000 shall be expended to cover costs associated with the relocation of tenants from the Julian D. Steele public housing project.

SECTION 25. Item 7007-0900 of said section 2 of said chapter 139 is hereby amended by adding the following words:— ; and provided further, that $200,000 shall be expended for costs associated with the restoration of the Green River Cemetery in the town of Greenfield.

SECTION 26. Item 7007-0900 of said section 2 of said chapter 139 is hereby further amended by striking out the figure "$29,255,852" and inserting in place thereof the following figure:— $29,455,852.

SECTION 27. Item 7100-0200 of said section 2 of said chapter 139 is hereby amended by striking out the words "provided further, that not less than $150,000 shall be expended for a pilot program at the University of Massachusetts at Lowell environmental health and safety department for the use of fire resistant intumescent/refractory paint" and inserting in place thereof the following words:- provided further that not more than $150,000 shall be expended for a pilot program at the University of Massachusetts at Lowell environmental health and safety department for the use of fire resistant intumescent/refractory paint.

SECTION 28. Item 8000-0000 of said section 2 of said chapter 139 is hereby amended by striking out the words "the district attorney for Suffolk county and".

SECTION 29. Said chapter 139 is hereby further amended by inserting after section 102 the following section:-

Section 103. Notwithstanding any general or special law to the contrary, on or before June 30, 2007, the comptroller shall transfer $450,000,000 from the Commonwealth Stabilization Fund, established under section 2H of chapter 29 of the General Laws, to the

General Fund.

SECTION 30. Section 19 of chapter 205 of the acts of 2006 is hereby amended by striking out the second paragraph.

SECTION 31. Notwithstanding any general or special law to the contrary, the commencement of an administrative appeal proceeding or hearing shall not operate as a stay of enforcement of the agency decision approving the Winthrop shores project, but the agency may require mitigation if the project proceeds before the matter is decided.

SECTION 32. Notwithstanding any general or special law to the contrary, before calculating the consolidated net surplus for fiscal year 2006, as provided in section 5C of chapter 29 of the General Laws, the comptroller shall: (a) transfer $174,153,528 from item 4000-0700 to item 4000-0500; and (b) transfer $4,206,702 from item 4000-0600 to item 4000-0500.

SECTION 33. Notwithstanding any other general or special law or rule or regulation to the contrary, sections 1 to 8, inclusive, and 9A to 12, inclusive, of chapter 260 of the acts of 2006 shall take effect as of July 1, 2006.

SECTION 34. Notwithstanding any other general or special law or rule or regulation to the contrary, sections 13 and 14 of chapter 260 of the acts of 2006 shall take effect on January 1, 2007.

SECTION 35. Notwithstanding any other general or special law or rule or regulation to the contrary, section 15 of chapter 260 of the acts of 2006 shall take effect on November 1, 2006.

This bill was returned on October 5, 2006, by the Governor to the House of Representatives, the branch in which said bill was originated, with His objections in writing to the following items therein:

Items Disapproved:
SECTIONS 5 and 29.

The remainder of the bill was approved by the Governor on October 5, 2006 at one o'clock and zero minutes, P.M.

Chapter 311. AN ACT ESTABLISHING A SICK LEAVE BANK FOR A CERTAIN EMPLOYEE OF THE DEPARTMENT OF SOCIAL SERVICES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of social services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the department of social services shall establish a sick leave bank for Patricia Miller, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Patricia Miller. Whenever Patricia Miller terminates employment with the department or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the extended illness leave bank.

Approved October 5, 2006.

Chapter 312. AN ACT AUTHORIZING THE TOWN OF NORTH ANDOVER TO HOLD A LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of operating the Stevens Estate in North Andover, the town of North Andover may hold a license for the sale of all alcoholic beverages to be drunk on the premises of the Stevens Estate.

SECTION 2. Notwithstanding section 58 of chapter 44 of the General Laws, the town of North Andover may pay bills incurred for the purchase of all alcoholic beverages acquired for use with the license authorized in section 1.

SECTION 3. This act shall take effect upon its passage.

Approved October 5, 2006.

Chapter 313. AN ACT DIRECTING THE STATE SUPERINTENDENT OF STATE OFFICE BUILDINGS TO INSTALL A PLAQUE OR PAINTING IN HONOR OF SCHOOL NURSES IN THE STATE HOUSE.

Be it enacted, etc., as follows:

The state superintendent of state office buildings, in consultation with the art commission, established under section 19 of chapter 6 of the General Laws, shall install and maintain in Nurses Hall in the state house a plaque or painting commemorating the one hundredth anniversary of school nursing in the commonwealth and honoring school nurses.

Approved October 5, 2006.

Chapter 314. AN ACT DESIGNATING A PORTION OF THE CAPTAIN WILLIAM K. WEBB MEMORIAL STATE PARK IN THE TOWN OF WEYMOUTH AS THE ROBERT B. AMBLER WALKWAY.

Be it enacted, etc., as follows:

SECTION 1. A certain portion of land within the Captain William K. Webb Memorial State Park in the town of Weymouth, under the care and control of the department of conservation and recreation, shall be designated and known as the Robert B. Ambler Walkway, in honor of the long term dedicated service of Robert B. Ambler, a citizen of the town of Weymouth who served the citizens of the commonwealth and the town of Weymouth as a member of the general court and as a selectman of the town of Weymouth. Suitable markers bearing that designation shall be erected by the department of conservation and recreation in compliance with the standards of the department. The department of conservation and recreation may enter into a memorandum of agreement with the town of Weymouth to facilitate this act.

SECTION 2. This act shall take effect upon its passage.

Approved October 5, 2006.

Chapter 315. AN ACT AUTHORIZING THE APPOINTMENT OF CHRISTINA M. ORZYCK AS A POLICE OFFICER IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 58A of chapter 31 of the General Laws, or any other general or special law to the contrary, Christina M. Orzyck shall be eligible to have her name certified for original appointment to the position of police officer in the city of Worcester, notwithstanding having reached the age of 32 before taking the civil service examination in connection with this appointment. Christina M. Orzyck shall be eligible for appointment to the position of police officer in the city of Worcester only if she otherwise qualifies and is selected for appointment under said chapter 31 , any regulations of the civil service commission and any lawful hiring practices of the city of Worcester.

SECTION 2. This act shall take effect upon its passage.

Approved October 5, 2006.

Chapter 316. AN ACT GRANTING RETIREMENT BENEFITS TO DENNIS MULLEN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 7 of chapter 32 of the General Laws or any other general or special law or rule or regulation to the contrary, and in order to promote the public good, the state-Boston retirement board shall grant an increased accidental disability retirement allowance to Officer Dennis Mullen of the city of Boston, who, as a result of injuries sustained while in the performance of his duties on March 29, 2000 is unable to perform the essential duties of his job and is likely to be permanently unable to do so.

SECTION 2. The annual amount of pension payable to Dennis Mullen shall be equal to the regular annual rate of compensation which he would have received if he had continued in service as a police officer of the department at the grade held by him at the time of his retirement.

This retirement shall become effective on the date immediately following the final day for which he received regular compensation for his employment.

Upon his retirement, the state-Boston retirement board shall pay to Dennis Mullen the amount credited to him as accumulated total deductions in the annuity savings fund of the state-Boston retirement board. Dennis Mullen shall be entitled to receive indemnification for all hospital, medical and related expenses that have been or may be incurred after the date of his retirement as a result of his injuries, under chapter 41 of the General Laws.

SECTION 3. Upon the death of Dennis Mullen, the city of Boston shall pay an annual amount equal to ¾ of the amount of the pension payable to him at the time of his death for the benefit of the children of Dennis Mullen for as long as that child is either under 18 years of age or totally or mentally incapacitated from working.

SECTION 4 . This act shall take effect upon its passage.

Approved October 5, 2006.

Chapter 317. AN ACT RELATIVE TO CERTAIN ELDER ABUSE ASSESSMENT REPORTS.

Be it enacted, etc., as follows:

SECTION 1. Subsection (b) of section 23 of chapter 19A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 10, the words "within three months" and inserting in place thereof the following words:- within 3 years.

SECTION 2. Said subsection (b) of said section 23 of said chapter 19A, as so appearing, is hereby further amended by adding the following sentence:- Each government agency shall annually report such statistical records to the executive office of elder affairs.

Approved October 5, 2006.

Chapter 318. AN ACT AUTHORIZING THE TOWN OF NORWOOD TO LEASE CERTAIN LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Norwood may lease a certain parcel of land donated to the town by P. Christopher Associates Limited Partnership to the YMCA of Greater Boston, a non-profit corporation, for a term not to exceed 75 years for the purpose of facilitating the construction, operation and maintenance of a recreational facility by the YMCA of Greater Boston, including, but not limited to, an ice skating rink and 1 or more pools. The parcel is shown as the Balboni Land on a plan entitled "Plan of Land in Norwood MA", dated March 29, 2005, drawn by the town of Norwood engineering department and on file with the department.

SECTION 2. Notwithstanding section 77C of chapter 60 of the General Laws, or any other general or special law to the contrary, if the YMCA of Greater Boston does not commence construction of the recreational facility by the date agreed to between the town of Norwood and the YMCA of Greater Boston in the ground lease dated October, 2005, or by an extended date agreed to in writing between the parties to the lease, such extended date to be no later than June 30, 2009, then the selectmen of the town shall, upon payment by the donor, P. Christopher Associates Limited Partnership, of any taxes and accrued interest forgiven, reconvey the parcel to the donor.

Approved October 5, 2006.

Chapter 319. AN ACT AUTHORIZING THE TOWN OF NORWOOD TO GRANT ACCESS TO ITS SEWER SYSTEM AND TO ASSESS CHARGES THEREFOR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding paragraph (c) of section 8 of chapter 372 of the acts of 1984 or any other general or special law to the contrary, the Massachusetts Water Resources Authority may provide sewer services through the town of Norwood sewer system to the property located at 361 and 363 Norwood streets and 60 and 80 Edge Hill road in the town of Sharon, as shown on a deed recorded at the Norfolk county registry of deeds in Book 14998, Page 537, and described as Assessor's Map 27, Lots 381 and 383 and Assessor's Map 131, Lots 29 and 32, currently owned by George Clifford Goodband, Jr., Trustee of the Norwood Street Trust which property is currently under contract for sale to AvalonBay Communities, Inc. or its nominee, successor or assignee, provided that the discharge from the property to the sewer system shall not exceed any maximum gallonage established for the property by the Massachusetts Water Resources Authority. The authority may allow the property to use and be serviced by its sewer system to the same extent as parcels of property located within the district covered by the authority, provided that the property is subject to all rules, regulations and requirements of the authority. The town of Norwood may allow the

property to connect its sewer system to convey the discharge to the authority's sewer system. Costs and expenses incurred for labor and materials relative to the installation of a sewer connection from the property to the town of Norwood sewer system shall be paid by AvalonBay Communities, Inc. or its nominee, successor or assignee, and work and labor shall be performed in accordance with the specifications of the authority and the town of Norwood. The authority and the town of Norwood may assess charges upon the owner of the property for the use of their sewer systems and for their provision of services related thereto. Except as specifically provided herein and unless otherwise properly authorized, nothing in this act shall grant any other portion of the town of Sharon the right to receive sewer services from the authority or otherwise cause any other portion of the town of Sharon to have any of the rights or obligations of the political subdivisions listed in paragraph (c) of section 8 of chapter 372 of the acts of 1984.

SECTION 2. Notwithstanding section 1, the provision of main sewer services to the above referenced property located at 361 and 363 Norwood streets and 60 and 80 Edge Hill road in the town of Sharon by the Massachusetts Water Resources Authority shall commence only after the Massachusetts Water Resources Authority board of directors has voted approval after making findings as set forth in paragraph (c) of section 8 of chapter 372 of the acts of 1984 and other determinations in accordance with its applicable policies and after all required approvals have been received, including, as applicable, the approval of the community of origin, transporting community, other regulatory bodies where required, and the Massachusetts Water Resources Authority advisory board.

Approved October 5, 2006.

Chapter 320. AN ACT AUTHORIZING THE TRANSFER OF CERTAIN PARCELS OF LAND IN THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

Bristol county shall, for consideration of $1, convey 2 parcels of land with improvements thereon, currently owned and controlled by the county, to the commonwealth acting by and through its division of capital asset management and maintenance. These parcels of land are designated as the Bristol county superior court, located at 9 Court street in the city of Taunton, and the Bristol county district court, Taunton division, located at 15 Court street in the city of Taunton. These conveyances shall occur within 90 days after written request to the county by the commissioner of the division.

Approved October 5, 2006.

Chapter 321. AN ACT RELATIVE TO THE NORTHERN BERKSHIRE SOLID WASTE DISTRICT.

Be it enacted, etc., as follows:

Section 2 of chapter 135 of the acts of 1988, as amended by section 2 of chapter 457 of the acts of 1991, is hereby further amended by striking out the fifth and sixth paragraphs and inserting in place thereof the following paragraph:—

For the purpose of transacting business, the presence of at least half of the member municipalities shall constitute a quorum; but a smaller number may adjourn to another date. Any action adopted by a majority of the votes cast at a meeting of the board at which a quorum is present shall be the action of the board, except as otherwise provided by this act.

Approved October 18, 2006.

Chapter 322. AN ACT DESIGNATING A STATE HIGHWAY IN THE TOWN OF HARWICH AS ROUTE 28 – HEAD OF THE BAY ROAD.

Be it enacted, etc., as follows:

State highway route 28 in the town of Harwich shall be designated and known as Route 28 – Head of the Bay Road. The department of highways shall erect and maintain suitable markers bearing this designation in compliance with the standards of the department.

Approved October 18, 2006.

Chapter 323. AN ACT RELATIVE TO THE NANTUCKET HOUSING AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. The housing authority of the town of Nantucket may sell and transfer certain land in the town, described in section 2, for the development and use in perpetuity as housing for low or moderate income households for such consideration as the authority considers reasonable. The authority shall retain the proceeds from any such sale and transfer for use in administration, monitoring and enforcement of affordable housing restrictions on the property. The restrictions shall be recorded in the Nantucket registry of deeds. Notwithstanding section 34 of chapter 121B of the General Laws, the housing authority need not pay such proceeds to the commonwealth, and the approval of the department of housing and community development shall not be required.

For purposes of this act, the housing authority or its designee shall be in compliance if at least 25 per cent of the units to be developed on the land are for use in perpetuity by households earning below 80 per cent of the median income for Nantucket county, as defined periodically by the United States Department of Housing and Urban Development and the

remaining 75 per cent of the units shall be developed to be affordable to households earning 80 per cent to 150 per cent of the median income for Nantucket county, as defined by the United States Department of Housing and Urban Development.

SECTION 2. The property to which section 1 applies is shown in the aggregate as lots 3, 9-17 on a plan of land entitled "Plan of Land in Nantucket Island, Mass." dated March 14, 1994, drawn by Charles W. Hart & Associates, Inc., and recorded in the Nantucket registry of deeds in plan file 44-Y.

SECTION 3. This act shall take effect upon its passage.

Approved October 20, 2006.

Chapter 324. AN ACT RELATIVE TO HEALTH CARE ACCESS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to implement forthwith improved access to health care, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 16K of chapter 6A , as appearing in section 3 of chapter 58 of the acts of 2006, is hereby amended by striking out the sixth sentence and inserting in place thereof the following sentence:- The representatives of nongovernmental organizations shall serve staggered 3-year terms; but another representative shall be appointed to complete an unexpired term if a vacancy exists.

SECTION 2. The first sentence of the first paragraph of section 16N of chapter 6A of the General Laws, as so appearing, is hereby amended by adding the following words:- or any successor fund.

SECTION 3. The fourth sentence of the first paragraph of section 16O of said chapter 6A , as so appearing, is hereby amended by inserting after the word "increase" the following words:- diversity in.

SECTION 4. The first sentence of the second paragraph of said section 16O of said chapter 6A, as so appearing, is hereby amended by striking out the words "New England Division" and inserting in place thereof the following words:- , Northeast Affiliate.

SECTION 5. Section 7A of chapter 26 of the General Laws, inserted by section 6 of said chapter 58, is hereby amended by adding the following paragraph:-

The commissioner may make and collect an assessment against the carriers licensed under chapters 175 , 176A , 176B and 176G to pay for the expenses of the bureau. The assessment shall be at a rate sufficient to produce $600,000 annually. In addition to that amount, the assessment shall include an amount to be credited to the General Fund which shall be equal to the total amount of funds estimated by the secretary for administration and

finance to be expended from the General Fund for indirect and fringe benefit costs attributable to the personnel costs of the bureau. If the commissioner fails to expend for the costs and expenses of the bureau in a fiscal year the total amount of $600,000 for the purposes set forth in this section, any amount unexpended in that fiscal year shall be credited against the assessment to be made in the following fiscal year, and the assessment in the following fiscal year shall be reduced by that unexpended amount. The assessment shall be allocated on a fair and reasonable basis among all carriers licensed under said chapters 175, 176A, 176B and 176G. The funds produced by the assessments shall be expended by the division, in addition to any other funds which may be appropriated, to assist in defraying the general operating expenses of the bureau, and may be used to compensate consultants retained by the bureau. A carrier licensed under said chapters 175, 176A, 176B and 176G shall pay the amount assessed against it within 30 days after the date of the notice of assessment from the commissioner.

SECTION 6. Said chapter 26 is hereby further amended by striking out section 7B, inserted by section 6A of said chapter 58, and inserting in place thereof the following section:-

Section 7B. (a) For the purposes of implementing chapter 111M and section 8B of chapter 62C , the commissioner may consult with the department of revenue and may enter into an interdepartmental service agreement with the department that may include the transfer of information from statements and reports provided under said section 8B.

(b) Upon request, carriers licensed under chapters 175 , 176A , 176B and 176G and the office of Medicaid shall make information available to the bureau, but such information shall be limited to the minimum amount of personal information necessary for the purposes of said chapter 111M and shall not include social security numbers or information about previous or current diagnoses or treatments. The information acquired under this section shall be confidential and shall not constitute a public record.

(c) The division may consider violations of this section and said section 8B when licensing or authorizing entities to provide health coverage.

SECTION 7. The second sentence of section 2OOO of chapter 29 of the General Laws, as appearing in section 8 of said chapter 58, is hereby amended by striking out clauses (d) and (e) and inserting in place thereof the following clause:- (d) revenue deposited from penalties collected under chapter 111M.

SECTION 8. Said chapter 29 is hereby further amended by striking out section 2QQQ, as so appearing, and inserting in place thereof the following section:-

Section 2QQQ. There shall be established on the books of the commonwealth the Medical Assistance Trust Fund, which shall be administered by the secretary of health and human services. Funds from the trust fund may be expended for supplemental Medicaid payments to qualifying providers under an approved state plan or federal waiver. Amounts credited to the trust fund shall not be subject to further appropriation.

SECTION 9. Section 2 of chapter 32A of the General Laws is hereby amended by inserting after the word "Authority", in line 11, as appearing in the 2004 Official Edition, the

following words:- , the commonwealth health insurance connector authority.

SECTION 10. Said section 2 of said chapter 32A is hereby further amended by striking out, in lines 46 and 47, as so appearing, the words "under nineteen years of age" and inserting in place thereof the following words:- under 26 years of age or for 2 years following loss of dependent status under the Internal Revenue Code, whichever occurs first.

SECTION 11. Chapter 62C of the General Laws, as so appearing, is hereby amended by inserting after section 8A the following section:-

Section 8B. (a) An employer or other sponsor of an employment-sponsored health plan shall (i) provide, or contract with service providers or insurance carriers to provide, a written statement, annually on or before January 31 of each year, to each subscriber or covered individual residing in the commonwealth to whom it provided creditable coverage, as defined in chapter 111M , in the previous calendar year and (ii) provide a separate report verifying the statement to the commissioner.

(b) If a resident is not covered under a Massachusetts-based employment-sponsored health plan, the office of Medicaid and carriers licensed or otherwise authorized to offer health coverage under chapters 175, 176A, 176B, and 176G shall (i) provide, or contract with service providers to provide, a written statement annually on or before January 31 of each year, to each subscriber or covered individual residing in the commonwealth to whom it provided creditable coverage, as defined in said chapter 111M, in the previous calendar year and (ii) provide a separate report verifying the statement to the commissioner.

(c) The statements and reports shall identify the carrier or employer, the covered individual and covered dependents, the insurance policy or similar numbers and the dates of coverage during the year, and shall provide other information as required by the commissioner of revenue; but shall be limited to the minimum amount of personal information necessary for the purposes of said chapter 111M and shall not include social security numbers or information about previous or current diagnoses or treatments. The commissioner of revenue, in consultation with the commissioner of insurance, may specify the content and format of the statements and reports. The commissioner of revenue may disclose the information in the statements and reports to the division of insurance, the division of health care finance and policy and the commonwealth health insurance connector. The information in the statements and reports shall be confidential and shall not constitute a public record.

(d) The commissioner of revenue, in consultation with the commissioner of insurance pursuant to section 7B of chapter 26 , shall promulgate regulations or other written guidance to implement this section, which may include an allowance for reporting alternatives for family or other joint coverage.

(e) Carriers, employers or other sponsors of employment-sponsored health plans that fail to provide written statements to covered individuals or to report to the commissioner in violation of this section shall be punishable by a penalty of $50 per individual to which the failure relates, not to exceed $50,000 per year per violator. The commissioner shall assess

such penalties as a tax subject to chapter 62C but, in his discretion, may waive all or any portion of such penalties for reasonable cause shown.

SECTION 12. Subsection (b) of section 21 of said chapter 62C , as so appearing, is hereby amended by adding the following clause:-

(22) the disclosure of any non-financial information contained on a return filed pursuant to section 10 to the division of unemployment assistance, the division of insurance and the division of health care finance and policy under an interagency agreement for the enforcement or administration of chapter 118G.

SECTION 13. Section 1 of chapter 62D of the General Laws, as so appearing, is hereby amended by inserting after the figure "118G", in line 53, the following words:- ; or any individual owing the Health Safety Net Trust Fund for the cost of reimbursable health services or emergency bad debt paid in whole or in part by the fund, under paragraph (c) of section 60 of chapter 118E .

SECTION 14. Said section 12 of said chapter 62E, as so appearing, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Notwithstanding any general or special law to the contrary, the commissioner may disclose any information referred to in this chapter to the division of unemployment assistance, the division of insurance and the division of health care finance and policy under an interagency agreement for purposes of the administration and enforcement of sections 6B, 6C and 18B of chapter 118G and for the administration of the fair share employer contribution requirement under section 188 of chapter 149.

SECTION 15. Said section 12 of said chapter 62E is hereby further amended by striking out the last paragraph, inserted by section 14 of this act, and inserting in place thereof the following paragraph:-

Notwithstanding any general or special law to the contrary, the commissioner may disclose any information referred to in this chapter to the division of unemployment assistance, the division of insurance and the division of health care finance and policy under an interagency agreement for purposes of the administration and enforcement of sections 55 to 60, inclusive of chapter 118E and sections 6B, 6C and 18B of chapter 118G and for the administration of the fair share employer contribution requirement under section 188 of chapter 149 .

SECTION 16. Section 1 of chapter 111M of the General Laws, as appearing in section 12 of chapter 58 of the acts of 2006, is hereby amended by striking out the definition of "Creditable coverage" and inserting in place thereof the following definition:-

"Creditable coverage", coverage of an individual under any of the following health plans or as a named beneficiary receiving coverage on another's plan with no lapse of coverage for more than 63 days: (a) an individual or group health plan which meets the definition of "minimum creditable coverage" as established by the board of the connector; (b) a health plan including, but not limited to, a health plan issued, renewed or delivered within or without the commonwealth to an individual who is enrolled in a qualifying student

health insurance program under section 18 of chapter 15A or a qualifying student health program of another state; (c) Part A or Part B of Title XVIII of the Social Security Act; (d) Title XIX of the Social Security Act, other than coverage consisting solely of benefits under section 1928; (e) 10 U.S.C. 55; (f) a medical care program of the Indian Health Service or of a tribal organization; (g) a state health benefits risk pool; (h) a health plan offered under 5 U.S.C. 89; (i) a public health plan as defined in federal regulations authorized by the Public Health Service Act, section 2701(c)(1)(I), as amended by Public Law 104-191; (j) a health benefit plan under the Peace Corps Act, 22 U.S.C. 2504(e); (k) coverage for young adults under section 10 of chapter 176J; and (l) any other qualifying coverage required by the Health Insurance Portability and Accountability Act of 1996, as amended, or by regulations promulgated under that act; provided, however, that the following shall not qualify as creditable coverage: a plan issued as a supplemental health insurance policy including, but not limited to, accident only, credit only, or limited scope vision or dental benefits if offered separately; hospital indemnity insurance policies if offered as independent, non-coordinated benefits which, for the purposes of this chapter, shall mean policies issued under chapter 175 which provide a benefit not to exceed $500 per day, as adjusted on an annual basis by the amount of increase in the average weekly wages in the commonwealth as defined in section 1 of chapter 152, to be paid to an insured or a dependent, including the spouse of an insured, on the basis of a hospitalization of the insured or a dependent; disability income insurance; coverage issued as a supplement to liability insurance; specified disease insurance that is purchased as a supplement and not as a substitute for a health plan and that meets any requirements the commissioner, by regulation, may set; insurance arising out of a workers' compensation law or similar law; automobile medical payment insurance; insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in a liability insurance policy or equivalent self insurance; long-term care if offered separately; coverage supplemental to the coverage provided under 10 U.S.C. 55 if offered as a separate insurance policy; or any policy subject to chapter 176K or any similar policies issued on a group basis, including Medicare Prescription drug plans.

SECTION 17. Section 9A of chapter 118E of the General Laws is hereby further amended by striking out subsection (15), added by said section 18 of said chapter 58, and inserting in place thereof the following subsection:-

(15) Pursuant to section 8B of chapter 62C, the office of Medicaid shall provide written statements to residents of the commonwealth for whom creditable coverage is provided and shall provide a separate report verifying those statements to the commissioner of revenue.

SECTION 18. The definition of "Eligible employee" in section 9C of said chapter 118E, as amended by section 19 of said chapter 58, is hereby further amended by striking out the words "; provided further that clause (iv) shall not apply to employees participating in the program established under this chapter as of June 30, 2006".

SECTION 19. Section 55 of said chapter 118E , as appearing in section 30 of said

chapter 58, is hereby amended by striking out the definition of "Allowable reimbursement" and inserting in place thereof the following definition:-

"Allowable reimbursement", payment to acute hospitals and community health centers for health services provided to uninsured or underinsured patients of the commonwealth under section 60 and any further regulations promulgated by the health safety net office.

SECTION 20. Said section 55 of said chapter 118E, as so appearing, is hereby further amended by striking out the definition of "Financial requirements" and inserting in place thereof the following definition:-

"Financial requirements", a hospital's requirement for revenue which shall include, but not be limited to, reasonable operating, capital and working capital costs, the reasonable costs of depreciation of plant and equipment and the reasonable costs associated with changes in medical practice and technology.

SECTION 21. Subsection (c) of section 60 of said chapter 118E, as so appearing, is hereby amended by striking out the second and third sentences and inserting in place thereof the following 2 sentences:- The division shall promulgate regulations requiring acute hospitals to submit data that will enable the department of revenue to pursue recoveries from individuals who are ineligible for reimbursable health services and on whose behalf the fund has made payments to acute hospitals for such services or for emergency bad debt. Any amounts recovered, including amounts received under chapter 62D, shall be deposited in the Health Safety Net Trust Fund, established in section 57.

SECTION 22. The definition of "Non-providing employer" in section 1 of chapter 118G of the General Laws, inserted by section 32 of said chapter 58, is hereby amended by striking out clause (i) and inserting in place thereof the following clause:-

(i) an employer who complies with chapter 151F for such employee;.

SECTION 23. Said section 1 of said chapter 118G is hereby further amended by striking out the definition of "Payments from non-providing employers", inserted by section 33 of said chapter 58, and inserting in place thereof the following definition:-

"Payments from non-providing employers", all amounts paid to the Uncompensated Care Trust Fund or the General Fund or any successor fund by non-providing employers.

SECTION 24. Section 6 of said chapter 118G is hereby amended by striking out the second paragraph, inserted by section 41 of said chapter 58, and inserting in place thereof the following paragraph:-

In addition, such uniform reporting shall provide the name and address and such other identifying information as may be needed relative to the employer of any patient for whom health care services were rendered under this chapter and for whom reimbursement from the uncompensated care pool or the Health Safety Net Trust Fund has been requested.

SECTION 25. Said chapter 118G is hereby further amended by striking out sections 6A and 6B and inserting in place thereof the following two sections:-

Section 6B. Notwithstanding any general or special law to the contrary, an applicant for uncompensated care pool assistance, if eligible, shall be enrolled in MassHealth, established by section 9A of chapter 118E, the insurance reimbursement program, established by section 9C of said chapter 118E, or the commonwealth care health insurance program, established by chapter 118H. An applicant deemed ineligible for these programs and who is unable to make all or part of the payment for health services shall provide the name and address of his employer, if any, and his name, address and date of birth. The division shall collaborate with the division of insurance and the department of revenue to implement this section and sections 6C and 18.

Section 6C. (a) The division shall prepare a form, to be called the employer health insurance responsibility disclosure, on which an employer shall report whether it is in compliance with chapter 151F and any other information required by the division relative to sections 6B and 18B. The form shall be completed, signed and returned to the division by every employer with more than 10 employees.

(b) The division shall prepare a form, to be called the employee health insurance responsibility disclosure, on which an employee of employers with more than 10 employees who declines an employer-sponsored health plan shall report whether he has an alternative source of health insurance coverage. The form shall be completed and signed by the employee and shall be retained by the employer for 3 years. The division may request a copy of the signed employee form.

(c) Information that identifies individual employees by name or health insurance status shall not be a public record, but that information may be exchanged with the department of revenue and the health care access bureau in the division of insurance under an interagency service agreement for the purposes of enforcing this section and sections 6B and 18B. Nothing in this section shall prevent the implementation of section 304 of chapter 149 of the acts of 2004. An employer who knowingly falsifies or fails to file with the division any information required by this section or by any regulation promulgated by the division shall be punished by a fine of not less than $1,000 nor more than $5,000.

SECTION 26. Subsection (k) of section 18B of said chapter 118G, as appearing in section 44 of said chapter 58, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A hospital, surgical center, health center or other entity that provides uncompensated care pool services shall provide an uninsured patient with written notice of the criminal penalties for committing fraud in connection with the receipt of uncompensated care pool services.

SECTION 27. Subsection (b) of section 3 of chapter 118H of the General Laws, as appearing in section 45 of said chapter 58, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The board may waive clause (4) of subsection (a) if the individual's employer complies with section 110 of chapter 175, section 8 ½ of chapter 176A, section 3B of chapter 176B or section 6A of chapter 176G. The employer's health insurance premium contribution for the applying individual, which shall

be the cash equivalent of the premium contribution that would otherwise be made by an employer on behalf of the applying individual for the plan and rate basis type for which the individual would be eligible or, in cases where the individual is eligible to participate in more than 1 plan, the cash equivalent of the premium contribution for the most popular plan and rate basis type for which the individual is eligible, shall be paid to the connector.

SECTION 28. Subsection (a) of section 188 of chapter 149, as appearing in section 47 of said chapter 58, is hereby amended by striking out the definitions of "Department" and "Director" and inserting in place thereof the following definition:-

"Department", the department of workforce development.

SECTION 29. Subsection (b) of said section 188 of said chapter 149, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— For the purpose of more equitably distributing the costs of health care provided to uninsured residents of the commonwealth, each employer that (i) employs 11 or more full-time equivalent employees in the commonwealth and (ii) is not a contributing employer shall pay a per-employee contribution at a time and in a manner prescribed by the director of workforce development, in consultation with the director of unemployment assistance, in this section called the fair share employer contribution.

SECTION 30. Subsection (c) of said section 188 of said chapter 149, as so appearing, is hereby amended by striking out the introductory paragraph and inserting in place thereof the following introductory paragraph:-

The commissioner of health care finance and policy shall, in consultation with the director of workforce development, annually determine the fair share employer contribution rate based on the best available data and under the following provisions:.

SECTION 31. Said subsection (c) of said section 188 of said chapter 149, as so appearing, is hereby further amended by striking out clause (10) and inserting in place thereof the following clause:-

(10) Notwithstanding this section, the total annual fair share employer contribution shall not exceed $295 per employee which may be made in a single payment, or in equal amounts semi-annually or quarterly, at the employer's discretion.

SECTION 32. Said section 188 of said chapter 149, as so appearing, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) The director of unemployment assistance shall collect the contribution required under subsections (b) and (c) and shall implement penalties for employers who fail to make contributions as required by this section. In order to reduce the administrative costs of collection of contributions, the director shall, to the extent possible, use any existing procedures that have been implemented by the division of unemployment assistance to make similar collections. Amounts collected pursuant to this section shall be deposited in the Commonwealth Care Trust Fund, established by section 2000 of chapter 29.

SECTION 33. Paragraph (a) of subdivision (2) of section 108 of chapter 175 of the

General Laws is hereby amended by striking out clause (3), as amended by section 49 of chapter 58 of the acts of 2006, and inserting in place thereof the following clause:-

(3) It purports to insure only 1 person, except that a policy must insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, 2 or more eligible members of that family, including the policyholder, spouse, dependent children and other dependent persons, children during pendency of adoption procedures under chapter 210, children under 26 years of age or for 2 years following loss of dependent status under the Internal Revenue Code, whichever occurs first, and children who are mentally or physically incapable of earning their own living, if due proof of such incapacity is received by the insurer within 31 days of the date upon which the coverage would otherwise be terminated; and.

SECTION 34. Section 110 of said chapter 175 is hereby amended by adding the following subdivision:-

(P) A blanket or general policy of insurance described in subdivision (A), (C) or (D), except policies or certificates which provide coverage to Medicare or other governmental programs which shall be delivered, issued or renewed in the commonwealth, shall provide, as benefits to all group members having a place of employment in the commonwealth, coverage to persons under 26 years of age or for 2 years after the loss of dependent status under the Internal Revenue Code, whichever occurs first.

SECTION 35. Said chapter 175 is hereby further amended by striking out section 110M, inserted by section 51 of chapter 58 of the acts of 2006, and inserting in place thereof the following section:-

Section 110M. Pursuant to section 8B of chapter 62C, carriers shall provide written statements to residents of the commonwealth for whom creditable coverage is provided and shall provide a separate report verifying those statements to the commissioner of revenue.

SECTION 36. Chapter 176A of the General Laws is hereby amended by striking out section 8Z, inserted by section 53 of said chapter 58, and inserting in place thereof the following section:-

Section 8Z. Any subscription certificate under a group nonprofit hospital service agreement, except certificates which provide stand alone dental services, supplemental coverage to Medicare or other governmental programs, which shall be delivered, issued or renewed in the commonwealth, shall provide, as benefits to all group members having a principal place of employment within the commonwealth, coverage to persons under 26 years of age or for 2 years following loss of dependent status under the Internal Revenue Code, whichever occurs first.

SECTION 37. Said chapter 176A is hereby further amended by striking out section 34, added by section 54 of said chapter 58, and inserting in place thereof the following section:-

Section 34. Pursuant to section 8B of chapter 62C, any corporation subject to this chapter shall provide written statements to residents of the commonwealth for whom creditable coverage is provided and shall provide a separate report verifying those statements to the commissioner of revenue.

SECTION 38. Chapter 176B of the General Laws is hereby amended by striking out section 4Z, inserted by section 56 of said chapter 58, and inserting in place thereof the following section:-

Section 4Z. Any subscription certificate under an individual or group medical service agreement, except certificates that provide stand alone dental services, which shall be delivered or issued or renewed in this commonwealth, shall provide, as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, coverage to persons under 26 years of age or for 2 years following loss of dependent status under the Internal Revenue Code, whichever occurs first.

SECTION 39. Said chapter 176B is hereby further amended by striking out section 22, added by section 57 of said chapter 58 and inserting in place thereof the following section:-

Section 22. Pursuant to section 8B of chapter 62C, any corporation subject to this chapter shall provide written statements to residents of the commonwealth for whom creditable coverage is provided and shall provide a separate report verifying those statements to the commissioner of revenue.

SECTION 40. Chapter 176G of the General Laws is hereby amended by striking out section 4R, inserted by section 58 of said chapter 58, and inserting in place thereof the following section:-

Section 4R. A health maintenance contract, excluding contracts for stand alone dental services, shall provide coverage to persons under 26 years of age or for 2 years following loss of dependent status under the Internal Revenue Code, whichever occurs first.

SECTION 41. Said chapter 176G is hereby further amended by striking out section 16A, inserted by section 60 of said chapter 58, and inserting in place thereof the following section:-

Section 16A. The commissioner shall not disapprove a health maintenance contract on the basis that it includes a deductible that is consistent with the requirements for a high deductible plan as defined in section 223 of the Internal Revenue Code and implementing regulations or guidelines; provided, however, that the maximum deductible shall not be greater than the maximum annual contribution to a health savings account permitted under section 223 of the Internal Revenue Code. A deductible equal to the maximum annual contribution to a health savings account shall only be approved for products which include a health savings account permitted under said section 223 of the Internal Revenue Code.

SECTION 42. Chapter 176G of the General Laws is hereby amended by striking out section 30, added by section 61 of said chapter 58, and inserting in place thereof the following section:-

Section 30. Pursuant to section 8B of chapter 62C, carriers shall provide written statements to residents of the commonwealth for whom creditable coverage is provided and shall provide a separate report verifying those statements to the commissioner of revenue.

SECTION 43. Section 1 of chapter 176J of the General Laws is hereby amended by inserting after the definition of "Creditable coverage", inserted by section 67 of said chapter 58, the following definition:-

"Date of enrollment", with respect to an individual covered under a group health plan or health insurance coverage, the date of enrollment of the individual in the plan or coverage or, if earlier, the first day of the waiting period for such enrollment.

SECTION 44. Said section 1 of said chapter 176J is hereby further amended by striking out, in line 75, as appearing in the 2004 Official Edition, the words "group size".

SECTION 45. The definition of "Pre-existing conditions provision" in said section 1 of said chapter 176J, as amended by section 77 of chapter 58 of the acts of 2006, is hereby amended by adding the following sentence:- Pregnancy shall not be a preexisting condition.

SECTION 46. Subsection (a) of section 3 of said chapter 176J, as appearing in section 82 of said chapter 58, is hereby amended by striking out clause (1) and inserting in place thereof the following clause:-

(1) For every health benefit plan issued or renewed to eligible small groups on or after April 1, 1992 and to eligible individuals on or after July 1, 2007, including a certificate issued to an eligible small group or eligible individual that evidences coverage under a policy or contract issued or renewed to a trust, association or other entity that is not a group health plan, a carrier shall develop a base premium rate for a class of business. The group base premium rates charged by a carrier to each eligible group or eligible individual during a rating period shall not exceed 2 times the group base premium rate which could be charged by that carrier to the eligible group or eligible individual with the lowest group base premium rate for that rate basis type within that class of business in that group's or individual's geographic area. In calculating the premium to be charged to each eligible small group or eligible individual, a carrier shall develop a base premium rate for each rate basis type and may develop and use any of the rate adjustment factors identified in clauses (2) to (6), inclusive, provided that after multiplying any of the used rate adjustment factors by the base premium rate, the resulting product for all adjusted group base premium rate combinations fall within rate bands ranging between 0.66 and 1.32 that is required of all products offered to eligible small groups and eligible individuals. In addition, carriers may apply additional factors, identified in subsection (b) that would apply outside the 0.66 to 1.32 rate band. All other rating adjustments are prohibited. Carriers may offer any rate basis types, but rate basis types that are offered to any eligible small employer or eligible individual shall be offered to every eligible small employer or eligible individual for all coverage issued or renewed on or after July 1, 2007. If an eligible small employer does not meet a carrier's minimum or participation contribution requirements, the carrier may separately rate each employee as an eligible individual.

SECTION 47. Paragraph (3) of subsection (b) of said section 3 of said chapter 176J, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A carrier shall establish a rate basis type adjustment factor

for eligible individuals and eligible small groups which shall be expressed as a number.

SECTION 48. Paragraph (3) of subsection (a) of section 4 of said chapter 176J, as appearing in section 83 of said chapter 58, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A carrier shall enroll an eligible individual who does not meet the requirements of paragraph (2) into a health benefit plan, but a carrier may only impose a preexisting condition exclusion for not more than 6 months or a waiting period, which shall be applied uniformly without regard to any health status-related factors, of not more than 4 months following the individual's effective date of coverage.

SECTION 49. Said chapter 176J is hereby further amended by striking out section 5, as amended by section 84 of said chapter 58, and inserting in place thereof the following section:-

Section 5. (a) No policy shall exclude an eligible individual, eligible employee or eligible dependent on the basis of age, occupation, actual or expected health condition, claims experience, duration of coverage or medical condition.

(b) Preexisting conditions provisions shall not exclude coverage for a period beyond 6 months after the individual's date of enrollment and shall only relate to conditions which had, during the 6 months before an eligible individual's, eligible employee's or eligible dependent's date of enrollment and shall only relate to a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the date of enrollment for such coverage and for which any medical advice, diagnosis, care or treatment was recommended or received before that date. Preexisting conditions provisions shall not apply to a pregnancy existing on the date of enrollment. A carrier shall not impose a preexisting conditions exclusion or waiting period for Trade Act/Health Coverage Tax Credit Eligible Persons.

(c) No policy shall provide for a waiting period of more than 4 months after the insured's date of enrollment under the health benefit plan, but an eligible individual who has not had creditable coverage for the 18 months before the date of enrollment shall not be subject to a waiting period and a carrier shall not impose any waiting period upon a new employee who had creditable coverage under a previous qualifying health plan immediately before, or until, employment by the eligible small business. If a policy includes a waiting period, emergency services shall be covered during the waiting period. In determining whether a waiting period applies to an eligible individual, eligible employee or dependent, all health benefit plans shall credit the time the person was covered under a previous qualifying health plan if the insured experiences only a temporary interruption in coverage and if the previous qualifying coverage was reasonably actuarially equivalent to the new coverage, both as determined by the commissioner. The waiting period shall only apply to services which the new plan covers, but which were not covered under the previous plan.

(d) The commissioner shall adopt regulations to enforce this section.

SECTION 50. Section 10 of said chapter 176J, as appearing in section 90 of said chapter 58, is hereby amended by striking out the last paragraph and inserting in place thereof

the following paragraph:-

Such plans shall only be offered by a carrier that, as of the close of any preceding calendar year, has a combined total of 5,000 or more eligible individuals, eligible employees and eligible dependents, who are enrolled in health plans sold, issued, delivered, made effective or renewed to qualified small businesses or eligible individuals pursuant to its license under chapter 175, chapter 176A, chapter 176B or chapter 176G. Further, such plans shall only be offered through the commonwealth health insurance connector as defined in chapter 176Q. Premium rates for young adult plans shall be consistent with section 3.

SECTION 51. Section 3 of chapter 176M of the General Laws is hereby amended by striking out the words "through June 31, 2007", inserted by section 93 of said chapter 58, and inserting in place thereof the following words:-through June 30, 2007. A carrier shall not impose a preexisting condition exclusion or waiting period for Trade Act/HCTC-Eligible Persons.

SECTION 52. Section 2 of chapter 176N of the General Laws, as amended by section 100 of said chapter 58, is hereby further amended by striking out clauses (b) and (c) and inserting in place thereof the following 2 clauses:-

(b) contain a preexisting conditions provision that excludes coverage for a period beyond 6 months after the individual's date of enrollment. A preexisting conditions provision may only relate to: (1) conditions which had, during the 6 months immediately before the date of enrollment, manifested themselves in such a manner as would cause an ordinarily prudent person to seek medical advice, diagnosis, care or treatment or for which medical advice, diagnosis, care or treatment was recommended or received. In determining whether a preexisting conditions provision applies to an eligible insured, a health plan shall credit the time a person was under a previous qualifying health plan if the previous coverage was continuous to a date not more than 63 days before the effective date of the new coverage, exclusive of any applicable service waiting period under the new coverage and if the previous qualifying health plan coverage was reasonably actuarially equivalent to the new coverage;

(c) provide for a waiting period of more than 4 months beyond the eligible insured's date of enrollment under the health plan, but an eligible individual who has not had creditable coverage for the 18 months before the date of enrollment shall not be subject to a waiting period. If a health plan includes a waiting period, emergency services shall be covered during the waiting period. The waiting period shall only apply to services which the new plan covers, but which were not covered under the old plan. In applying a waiting period to an eligible insured, a health plan shall credit the time the person was covered under a previous qualifying health plan if the person experiences only a temporary interruption in coverage;.

SECTION 53. The second sentence of subsection (b) of section 2 of chapter 176Q of the General Laws, as appearing in section 101 of said chapter 58, is hereby amended by striking out the figure "11" and inserting in place thereof the following figure:- 10.

SECTION 54. Said section 2 of said chapter 176Q, as so appearing, is hereby further amended by striking out subsection (f).

SECTION 55. Clause (p) of section 3 of said chapter 176Q, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- For the purpose of determining the schedule, the board shall consider deductibles when determining the affordability of a health benefit plan.

SECTION 56. Said section 3 of said chapter 176Q, as so appearing, is hereby further amended by striking out clause (q) and inserting in place thereof the following clause:-

(q) to review annually the publication of income levels for the federal poverty guidelines and other pertinent measures of individual and family income and devise and report annually a schedule that describes the percentage of income which an individual could be expected to contribute towards the purchase of health insurance coverage. The director shall consider contribution schedules, such as those set for government benefit programs. Before each report is published, the schedule shall be reported to the house and senate committee on ways and means and the joint committee on health care financing.

SECTION 57. Section 6 of said chapter 176Q, as so appearing, is hereby amended by striking out clause (c) and inserting in place thereof the following clause:-

(c) that the employers shall participate in a payroll deduction program to facilitate the payment of health benefit plan premium payments by employees to benefit from exclusions from gross income under 26 U.S.C. 104, 105, 106 and 125; and.

SECTION 58. The first paragraph of section 110 of chapter 58 of the acts of 2006 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The advisory council shall be chaired by the commissioner of public health or his designee and shall include 14 additional members, including the chief executives or their designees of the following agencies or organizations: office of Medicaid, department of workforce development, Massachusetts Community Health Workers Network, Outreach Worker Training Institute of Central Massachusetts Area Health Education Center, Community Partners' Health Access Network, the Massachusetts Public Health Association, Massachusetts Center for Nursing, Boston Public Health Commission, Massachusetts Association of Health Plans, Blue Cross Blue Shield of Massachusetts, Massachusetts Medical Society, Massachusetts Hospital Association, the Massachusetts League of Community Health Centers and the MassHealth Technical Forum.

SECTION 59. Section 115 of said chapter 58 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:-The open enrollment period shall begin on May 1, 2007 and end on July 31, 2007.

SECTION 60. Section 123 of said chapter 58 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-Notwithstanding any general or special law to the contrary, from July 1, 2006 to June 30, 2009, inclusive, the executive director of the commonwealth health insurance connector shall collaborate with

the secretary of health and human services and the commissioner of insurance to ensure that only Medicaid managed care organizations that have contracted with the commonwealth as of July 1, 2006 to deliver managed care services shall receive premium assistance payments from the commonwealth care health insurance program, under chapter 118H of the General Laws, for the purposes of enrolling low-income individuals, but any organization referenced in section 28 of chapter 47 of the acts of 1997 may offer health benefit plans through the commonwealth care health insurance program, through the connector.

SECTION 61. Subparagraph (a) of the seventh paragraph of section 124 of said chapter 58 is hereby amended by striking out clause (1) and inserting in place thereof the following clause:-

(1) calculate the projected allowable uncompensated care charges for each hospital using the best and latest available data on allowable uncompensated care reported by the hospital times its ratio of costs to charges calculated using the most recent available data.

SECTION 62. The first sentence of section 128 of said chapter 58 is hereby amended by inserting after the words "Notwithstanding any general or special law to the contrary," the following words:- , and in accordance with section 13B of chapter 118E of the General Laws,.

SECTION 63. The first sentence of section 134 of said chapter 58 is hereby amended striking out, in line 1, the words "department of labor" and inserting in place thereof the following words:- division of unemployment assistance.

SECTION 64. Said chapter 58 is hereby further amended by striking out section 138 and inserting in place thereof the following section:-

Section 138. Notwithstanding any special or general law to the contrary, the initial terms of the appointed members of the board of the commonwealth health insurance connector, established by section 2 of chapter 176Q, shall commence on July 1, 2006 and shall be as follows: the governor shall designate 1 of his initial appointees to serve for a term of 1 year, 1 of his initial appointees to serve for a term of 2 years and 1 of his initial appointees to serve for a term of 3 years and the attorney general shall designate 1 of his initial appointees to serve for a term of 1 year, 1 of his initial appointees to serve for a term of 2 years and 1 of his initial appointees to serve for a term of 3 years, such that the terms of 2 appointees shall thereafter, expire every year.

SECTION 65. Said chapter 58 is hereby further amended by striking out section 141 and inserting in place thereof the following section:-

Section 141. Sections 19, 20, 21, 45 and 47 shall take effect on October 1, 2006.

SECTION 66. Said chapter 58 is hereby further amended by striking out section 142 and inserting in place thereof the following section:-

Section 142. Sections 33, 35, 41, 42, 44, 46, 49, 50, 52, 53, 55, 56, 58, 59, 62, 63, 64, 65, 66, 67, 69, 70, 73, 76, 77, 78, 79, 80, 83, 84 and 87 shall take effect on January 1, 2007.

SECTION 67. Section 144 of said chapter 58 is hereby repealed.

SECTION 68. Said chapter 58 is hereby further amended by striking out section 145 and inserting in place thereof the following section:-

Section 145. Sections 12, 22, 23, 48, 60A, 68, 72, 74, 82, 85, 86, 89 and 90 shall take effect on July 1, 2007.

SECTION 69. Said chapter 58 is hereby further amended by striking out section 146 and inserting in place thereof the following section:-

Section 146. Sections 25, 28, 30, 31, 34, 36, 37, 38, 39, 40, 43, and 126 shall take effect on October 1, 2007.

SECTION 70. Nothing in section 16A of chapter 176G of the General Laws shall prohibit a health maintenance contract from being issued with deductible limits consistent with those approved by the commissioner before April 1, 2006 nor require such a contract to include a health savings account.

SECTION 71. Clause (iv) of the definition of "Eligible employee" in section 9C of chapter 118E of the General Laws shall not apply to employees participating, prior to September 30, 2006, in the insurance reimbursement program established under said section 9C.

SECTION 72. The commonwealth health insurance connector shall begin offering health benefit plans under section 5 of chapter 176Q of the General Laws on May 1, 2007, with coverage to be effective on July 1, 2007.

SECTION 73. The first annual report required to be published pursuant to clause (q) of section 3 of chapter 176Q of the General Laws shall be due on June 1, 2007.

SECTION 74. Notwithstanding any general or special law to the contrary, the terms of the initial 7 representatives of nongovernmental organizations on the health care quality and cost council, established by section 16K of chapter 6A of the General Laws, shall be as follows: the governor shall designate 2 members for a term of 1 year, 3 members for a term of 2 years and 2 members for a term of 3 years.

SECTION 75. Notwithstanding any contrary provisions in section 10 of chapter 176J of the General Laws, young adult plans offered under said section 10 may also be offered by a carrier or a wholly-owned or wholly-controlled subsidiary of a carrier that, as of the close of any preceding calendar year, have a combined total of 5,000 or more eligible individuals, eligible employees and eligible dependents, who are enrolled in health plans sold, issued, delivered, made effective or renewed to qualified small businesses or eligible individuals pursuant to their license under chapter 175 , chapter 176A , chapter 176B and chapter 176G of the General Laws. A carrier or a wholly-owned or wholly-controlled subsidiary of a carrier that, as of the close of any preceding calendar year, has less than 5,000 eligible individuals, eligible employees and eligible dependents who are enrolled in health plans sold, issued, delivered, made effective or renewed to qualified small businesses or eligible individuals shall develop rates for young adult products that are consistent with section 3 of chapter 176J of the General Laws when considered together with the rates for

products offered to qualified small businesses or eligible individuals by the entity in combination with which it meets the requirement of having a combined total of 5,000 or more eligible individuals, eligible employees and eligible dependents who are enrolled in health plans sold, issued, delivered, made effective or renewed to qualified small businesses or eligible individuals. Enrollees in young adult products shall not be counted toward the requirement of 5,000 or more.

SECTION 76. Section 75 of this act is hereby repealed.

SECTION 77. Sections 66 to 69, inclusive, shall take effect as of April 12, 2006.

SECTION 78. Sections 10, 22, 23, 24, 25, 26, 33, 34, 43, 46, 47 and 49 shall take effect on January 1, 2007.

SECTION 79. Sections 16 and 50 shall take effect on July 1, 2007.

SECTION 80. Sections 13, 15, 19, 20, 21 and 62 shall take effect on October 1, 2007.

SECTION 81. Sections 6, 11, 12, 17, 35, 37, 39 and 42 shall take effect on January 1, 2008.

SECTION 82. Section 76 shall take effect on July 1, 2009.

Approved October 26, 2006.

Chapter 325. AN ACT AUTHORIZING THE CITY OF SALEM TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF WINES AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the city of Salem may grant an additional license for the sale of wines and malt beverages to be drunk on the premises under section 12 of said chapter 138 to Ristorante Gioia, Inc., d/b/a Ristorante Gioia located at 140 Washington street in the city of Salem. The license shall be subject to all of said chapter 138 except section 17. The licensing authority shall not approve the transfer of the license to any other person, organization, corporation or location separate from the sale of the entire business known as Ristorante Gioia, Inc., d/b/a Ristorante Gioia.

SECTION 2. This act shall take effect upon its passage.

Approved October 26, 2006.

Chapter 326. AN ACT RELATIVE TO THE BOARD OF HEALTH IN THE TOWN OF NORTH ANDOVER.

Be it enacted, etc., as follows:

Section 8.1 of Chapter 7 of the charter of the town of North Andover which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

A board of health of 5 members, one of whom shall be a licensed physician in the commonwealth, shall be appointed by the town manager for three-year overlapping terms with the approval of the board of selectmen, in accordance with General Law.

Approved October 26, 2006.

Chapter 327. AN ACT POSTPONING THE REQUIREMENT FOR INSTALLATION OF CARBON MONOXIDE ALARMS IN CERTAIN RESIDENTIAL BUILDINGS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to postpone the January 1, 2007 requirement for installation of carbon monoxide alarms in certain residential buildings, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 5 of chapter 123 of the acts of 2005 is hereby amended by striking out, in line 6, the figure "2007" and inserting in place thereof the following figure:- 2008.

Approved October 26, 2006.

Chapter 328. AN ACT ESTABLISHING A SICK LEAVE BANK FOR LEO D. SHEA, AN EMPLOYEE OF THE TRIAL COURT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the

trial court shall establish a sick leave bank for Leo D. Shea, an employee of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Leo D. Shea. Whenever Leo D. Shea terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the trial court paid sick leave bank.

Approved October 26, 2006.

Chapter 329. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF LITTLETON.

Be it enacted, etc., as follows:

SECTION 1. A person who holds an elected office in the town of Littleton, with more than 6 months remaining in the term of that office on the date of the filing of a recall affidavit, under section 2, may be recalled from office by the registered voters of the town of Littleton, in the manner provided in this act.

SECTION 2. Fifty or more voters of the town of Littleton may file with the clerk of the town an affidavit containing the name of the officer whose recall is being sought, along with a statement of the grounds for removal. The clerk of the town shall provide to the voters petition blanks demanding the recall and shall keep copies of these printed forms available. The petition blanks may be completed either by writing or typewriting. They shall be addressed to the board of selectmen, contain the names of the voters who filed the affidavit and the grounds for recall as stated in the affidavit, demand the election of a successor to that office, and be dated and signed by the clerk. A copy of the petition shall be kept on file in the office of the clerk in a record book maintained for the purpose.

The recall petition shall be returned and filed in the office of the clerk within 21 days after the date upon which the clerk issued the petition and shall contain the signatures of at least 25 per cent of the total number of voters duly recorded on the registration list of the clerk as of the most recent preceding town election.

The clerk shall, within 48 hours after the filing, submit the petition to the registrars of voters who shall, within 5 days, certify on it the number of signatures which are names of voters of the town.

SECTION 3. If the recall petition shall be certified by the registrars of voters to contain the sufficient number of signatures of voters, the clerk of the town shall immediately submit the petitions to the board of selectmen. Upon its receipt of the certified petitions, the board of selectmen shall, within 48 hours, give written notice of the recall petitions and their certification to the person whose recall is being sought.

If the officer sought to be recalled does not resign his office within 5 days after the delivery of the notice, the board of selectmen shall order an election to be held not less than 60 nor more than 100 days after the date of certification of the sufficiency of the petition by

the registrars of voters; but if another town election is to occur within 90 days after the date of the certification, the board of selectmen may, at their discretion, postpone the holding of the recall election until the date of that other town election.

If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for the new candidates shall be counted.

SECTION 4. An officer whose recall is being sought shall not be a candidate to succeed himself at the recall election. The nomination of candidates, the publication of the warrant for the recall election and the conduct of the election shall be in accordance with the law relative to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of the office until the recall election is held. If not recalled in the election, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as otherwise provided in this act.

If the incumbent officer is recalled, the officer shall be considered removed upon the qualification of a successor who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within 5 working days after receiving notification of election, the incumbent shall be considered removed and the position declared vacant.

SECTION 6. All ballots used at a recall election shall contain the following propositions in the order indicated:

FOR THE RECALL OF (NAME OF OFFICER)

AGAINST THE RECALL OF (NAME OF OFFICER)

Adjacent to each proposition, there shall be a place to mark a vote.

After the propositions shall appear the word "CANDIDATES" followed by the names of all candidates arranged alphabetically by surname. Adjacent to the name of each candidate shall be a place to mark a vote.

If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be considered elected.

If a majority of the votes cast upon the question of recall is in the negative, the ballots for the candidates need not be counted unless the incumbent officer has previously resigned from office under section 3.

SECTION 7. A recall petition shall not be filed against an officer within 6 months after that officer assumes office. In the case of an officer who has been subjected to a recall election and was not recalled by that election, a subsequent recall petition shall not be filed against the officer until at least 6 months after the date of the previous recall election.

SECTION 8. A person who has been recalled from an office or who has resigned from an office while recall proceedings were pending shall not be appointed to any town office within 12 months after the recall or resignation.

SECTION 9. This act shall take effect upon its passage.

Approved October 26, 2006.

Chapter 330. AN ACT ESTABLISHING A SICK LEAVE BANK FOR PAUL LaFRANCE, AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for an employee of the department of corrections, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the department of correction shall establish a sick leave bank for Paul LaFrance, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal, or vacation days, to the sick leave bank for use by Paul LaFrance. Whenever Paul LaFrance terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave bank time shall be transferred to the extended illness leave bank.

Approved October 26, 2006.

Chapter 331. AN ACT AUTHORIZING THE APPOINTMENT OF ALTERNATIVE MEMBERS TO THE CONSERVATION COMMISSION OF THE TOWN OF WEST BRIDGEWATER.

Be it enacted, etc., as follows:

Notwithstanding section 8C of chapter 40 of the General Laws, the board of selectmen of the town of West Bridgewater may appoint 2 alternate members to the conservation commission of the town for terms not to exceed 3 years.

The chairman of the conservation commission may designate any of the alternate members to sit on the commission in the case of absence, inability to act or conflict of interest on the part of a member of the commission or in the event of a vacancy on the conservation commission, until the vacancy is filled in accordance with said section 8C of said chapter 40.

Approved October 26, 2006.

Chapter 332. AN ACT RELATIVE TO QUINCY COLLEGE.

Be it enacted, etc., as follows:

SECTION 1. (a) Notwithstanding any general or special law to the contrary, for good and valuable consideration provided and accepted, Quincy College shall have general charge and the exclusive control and custody, including responsibility for all costs, repairs, maintenance, liability and insurance, of the property known as Saville Hall and located at 26-36 Saville avenue in the city of Quincy, in this act called the "property" or "Saville Hall", and Quincy College shall indemnify and hold the city of Quincy harmless against liability associated with or resulting from the college's occupation and use of Saville Hall. At the time Quincy College may become independent from the city of Quincy or obtains a legal status that permits Quincy College to own real property independent from the city of Quincy, the city, acting through the mayor, shall convey to Quincy College all ownership and title to Saville Hall and shall neither demand nor request nor be entitled to any further or subsequent consideration for the transfer. In all cases, property taxes for the property shall be assessed and paid in accordance with then applicable statutes and regulations.

(b) If Quincy College, upon the recommendation of the college president and a two-thirds vote of the board of governors of the college, determines that it no longer has a use for Saville Hall and declares the property to be surplus and available for disposition, the property shall first be offered for transfer to the city of Quincy and the city, acting through the mayor and upon a two-thirds vote of the city council may acquire the general charge and exclusive custody and control of Saville Hall from the college for fair market consideration. If, within 60 days of the vote of the board of governors to declare the property to be surplus and available for disposition, and the city and the college cannot agree on fair market consideration, then either party may refer the matter to binding arbitration, without objection from the other party, before ADR, Inc. or any other comparable mediation entity. In the event that the college has become independent from the city of Quincy or has otherwise obtained a legal status that permits the college to own real property independent from the city and the property has been conveyed to the college pursuant to subsection (a), then the property may be purchased by the city of Quincy, acting through the mayor and upon a two-thirds vote of the city council, from the college for fair market value. In the event the city of Quincy chooses not to accept the transfer or purchase of the property upon these terms from Quincy College, it shall be offered for sale pursuant to applicable state procurement statutes and regulations. The foregoing shall not prevent Quincy College, upon the recommendation of the college president and a two-thirds vote of the board of governors, from retaining its interest in the property and leasing it to a third party pursuant to applicable state procurement statutes and regulations. Revenue or income generated by the lease, transfer, or sale of the property shall be deposited in the fund established by chapter 313 of the acts of 1981 or any successor fund established by special legislation and will inure to the benefit of Quincy College. In all cases property taxes for the property shall be assessed and paid in accordance with then applicable statutes and regulations.

SECTION 2. The first paragraph of section 2 of chapter 53 of the acts of 1994 is hereby amended by striking out the third subparagraph and inserting in place thereof the following subparagraph:-

The governors shall be appointed by a board of governors appointing council made up of 2 members of the school committee for the city of Quincy selected by the vice-chairperson of the school committee, 2 city councilors selected by the Quincy city council president, 5 members selected by the chairperson of the Quincy College board of governors, 1 of whom shall be an alumnus of Quincy College, and 1 of whom shall be a student at Quincy College, and 2 individuals selected by the mayor of the city of Quincy.

SECTION 3. Said chapter 53 is hereby amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. (a) Quincy College shall compensate the city of Quincy the amount of $100,000 per fiscal year for mandatory services provided to the college by the city by virtue of the college's status as a department of the city on an annual basis, the payment to be due no later than June 1 of the fiscal year. This amount shall be increased on an annual basis by 3 per cent, compounded annually. For purposes of this subsection "mandatory services" shall mean work, service, or time spent by a city employee for the benefit of Quincy College as required by any federal, state special or general law, regulation or municipal charter or ordinance provision. For purposes of this chapter the services shall not include legal services provided by the city employees beyond legal services associated with the standard review of college contracts or outside legal services, which are governed by subsection (b).

(b) Notwithstanding any special or general law to the contrary, the president of Quincy College, with the approval of the board of governors, may employ legal counsel for the general purposes of the college. If the college president, with the approval of the mayor, chooses to utilize a city attorney to provide legal services beyond the standard review of college contracts or legal services provided to the college by its own counsel, or if the city is required to defend itself in connection with a claim or suit brought against or arising solely out of actions or omissions of the college, the college shall reimburse the city on an hourly basis for the legal services only.

(c) Nothing in this act is intended to alter or affect the payment obligations of Quincy College or the city of Quincy with respect to non-service costs incurred by the city on behalf of the college, including but not limited to any direct or indirect personnel costs such as workers' compensation, unemployment, insurance or pension benefits, and the costs of goods.

SECTION 4. Section 11 of said chapter 53 is hereby amended by striking out the third sentence and inserting in place thereof the following 2 sentences:- The mayor of the city of Quincy may designate a representative to act in its interest in labor relations matters with its employees. The president of Quincy College or his designee shall participate in all collective bargaining with Quincy College employees.

SECTION 5. Section 2 shall take effect as of May 1, 2006.

Approved October 26, 2006.

Chapter 333. AN ACT REGULATING HEALTH EXAMINATIONS FOR PRIVATE SCHOOL CHILDREN.

Be it enacted, etc., as follows:

SECTION 1. Section 57 of chapter 71 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

Every private school that does not perform these examinations shall be required to inform each parent and guardian of every enrolled pupil that the school does not conduct these examinations and shall recommend that the parent consult with the child's health care provider or local school committee or board of health to ensure that these examinations are conducted.

SECTION 2. This act shall take effect on July 1, 2007.

Approved October 26, 2006.

Chapter 334. AN ACT RELATIVE TO DATA COLLECTION FOR GOVERNMENT ASSISTED HOUSING IN MASSACHUSETTS.

Be it enacted, etc., as follows:

SECTION 1. To provide current, accurate, and detailed information on the number, location and residents of assisted housing units and recipients of state or federal rental assistance in the commonwealth, the department of housing and community development shall gather, compile, and report data regarding state and federal public housing, housing supported with state assistance, including privately-owned housing with public subsidy, state or federal rental assistance, and housing assisted with federal funds administered by the state, subsequent to the effective date of this act; but for units existing before the effective date of this act having a regulatory agreement or other funding contract that does not have provisions for collection of this data, the department shall use reasonable efforts to collect data upon turnover, rent re-determination or resale for such housing units.

These data shall include, but not be limited to: the number and location of such housing; type of housing; number of bedrooms; accessibility for persons with disabilities; the source and term of any and all state or federal subsidy for all such housing assistance; the

size of each such household; income level of each such household; the race and ethnicity of the head of household and the number of children under 18 years of age and under 6 years of age in each such household. These data shall be collected and reported in a manner consistent with all applicable state and federal laws.

The department shall submit, on or before December 31, 2007 and annually thereafter, a report detailing the methods, reasonable efforts, and results of its data collection pursuant to this act to the house and senate committees on ways and means and the joint committee on housing.

SECTION 2. The department shall adopt regulations within 90 days after the effective date of this act to carry out this act.

Approved October 26, 2006.

Chapter 335. AN ACT PROVIDING VETERAN STATUS TO MICHAEL L. BUCKLEY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith veteran status to Michael L. Buckley, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the effective date of chapter 116 of the acts of 2004 , Michael L. Buckley of 211 Stimson street in the West Roxbury section of the city of Boston shall qualify as a veteran under the definition of that term in clause forty-third of section 7 of chapter 4 of the General Laws.

Approved November 1, 2006.

Chapter 336. AN ACT RELATIVE TO COUNTY ROADS.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 34B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 1, the word "Notwithstanding" and inserting in place thereof the following words:— (a) Notwithstanding.

SECTION 2. Said section 6 of said chapter 34B, as so appearing, is hereby further amended by striking out, in line 23, the word "The" and inserting in place thereof the following words:— (b) The.

SECTION 3. Said section 6 of said chapter 34B, as so appearing, is hereby further amended by striking out, in line 31, the word "The" and inserting in place thereof the following words:— (c) The.

SECTION 4. Said section 6 of said chapter 34B, as so appearing, is hereby further amended by adding the following 3 subsections:—

(d) All rights, title and interest in real property that were held by counties for county road purposes on the date that the county was abolished, in this chapter called county roads, are hereby transferred from the commonwealth as provided in this subsection. For any abolished county that has a successor council of governments, rights, title and interest are hereby transferred to the successor council of governments. For any abolished county that has no successor council of governments title is hereby transferred to the respective towns in which the interests lie. Rights, title and interest in the following properties shall not be transferred under this subsection:—

(1) The fee interest in and to a parcel of land in the city known as the town of Agawam bounded on the east by the low water mark of the Connecticut river, on the south by land now or formerly of Kuzmierz, on the west by River road, and on the north by the extent of the holding of the abolished county, which is in the vicinity of land located across River road and now or formerly of Vanotti, all as shown on "Profile Sheets" numbers 13 to 16, inclusive, in a set of plans of the department of highways, titled "Commonwealth of Massachusetts, Massachusetts Highway Department, Transportation Improvement Project Connecticut River Walk and Bikeway, in the Town of Agawam," project file number 601296, and stamped "received" by the Agawam planning board on October 26, 2000.

(2) A right of way containing approximately 0.48 acres in the town of Concord, as authorized by chapter 294 of the acts of 1947, providing public access to White pond, a great pond, in the towns of Concord and Sudbury, a great pond, along Plainsfield road.

(3) The fee interest in certain parcels of land in the city of Peabody and the towns of Middleton and Topsfield containing approximately 141 acres, taken or acquired for conservation purposes, of which approximately 34.02 acres located in the city of Peabody, approximately 97.99 acres located in the town of Middleton and approximately 9.17 acres located in the town of Topsfield, located along the Ipswich river and Norris Brook, as shown on maps of the assessor of the city of Peabody on Map 1, Lot 28 (6.4 acres); Map 1, Lot 29 (2.70 acres); Map 2, Lot 1 (9.370 acres); Map 5, Lot 1A (3.76 acres); Map 10, Lot 19 (0.35 acres); Map 10, Lot 20 (0.34 acres); Map 10, Lot 21 (0.35 acres); Map 10, Lot 22 (0.35 acres); Map 10, Lot 23 (0.35 acres); Map 10, Lot 24 (0.35 acres); Map 10, Lot 25 (0.35 acres); Map 10, Lot 26 (0.35 acres); Map 10, Lot 27 (0.35 acres); Map 10, Lot 28 (0.35 acres); Map 10, Lot 29 (0.35 acres); Map 10, Lot 30 (0.35 acres); Map 10, Lot 31 (0.69 acres); Map 10, Lot 32 (.58 acres); Map 10, Lot 33 (0.34 acres); Map 11, Lot 23 (0.35 acres); Map 16, Lot 55 (0.40 acres); Map 16, Lot 56 (0.38 acres); Map 16, Lot 57 (0.35 acres); Map 16, Lot 58 (0.35 acres); Map 16, Lot 59 (0.35 acres); Map 16, Lot 60 (0.35 acres); Map 16, Lot 61 (0.35 acres); Map 16, Lot 62 (0.35 acres); Map 16, Lot 63 (0.39 acres); Map 16, Lot

64 (0.42 acres), and on maps of the assessor of the town of Middleton on Map 8, Lot 14 (.9 acres); Map 13, Lot 36 (0.25 acres); Map 13, Lot 37 (12.9 acres); Map 13, Lot 40 (20.7 acres); Map 13, Lot 41 (11.7 acres); Map 13, Lot 44B (2.258 acres); Map 13, Lot 105 (5.53 acres); Map 13, Lot 112 (3.4 acres); Map 13, Lot 113 (2.68 acres); Map 19, Lot 23 (3.68 acres); Map 19, Lot 105 (1.22 acres); Map 26, Lot 13A (6.89 acres); Map 32, Lot 54 (10.02 acres); Map 32, Lot 55 (10.47 acres); Map 33, Lot 45 (5.4 acres), and on maps of the assessor of the town of Topsfield on Map 57, Lot 6 (8.33 acres) and Map 65, Lot 30 (0.843 acres).

(4) A right of way containing approximately 3.38 acres in the city of Springfield, as authorized by chapter 341 of the acts of 1951, providing public access to Five Mile pond, a great pond, along Boston road.

(5) A right of way containing approximately 0.45 acres in the city of Springfield, as authorized by chapter 343 of the acts of 1951, providing public access to Loon pond, a great pond, along Pasco road.

(6) A right of way containing approximately 0.06 acres in the town of Brimfield, as authorized by chapter 258 of the acts of 1948, providing public access to Little Alum pond, a great pond, along Little Alum road.

(7) A right of way containing approximately 0.014 acres in the town of Wilbraham, as authorized by chapter 253 of the acts of 1955, providing public access to Nine Mile pond, a great pond, along Pond road.

(8) A right of way containing approximately 0.30 acres in the town of Belchertown, as authorized by chapter 339 of the acts of 1954, providing public access to Metacomet lake, a great pond, along Poole road.

(9) A right of way containing approximately 1.87 acres in the town of Huntington, as authorized by chapter 254 of the acts of 1955, providing public access to Norwich lake, a great pond, along Pisgah road.

(10) Any interest in and to 2 parcels of land in the town of Wayland, containing approximately 2.2 acres and 5.9 acres respectively, shown on assessors map number 17 of the town of Wayland as "county commissioners" and bounded by Old Sudbury road, the Sudbury river, and River road.

(11) Any interest in land associated with a parking area along Farm road and a right of way, containing approximately 0.39 acres, in the town of Sherborn, as authorized by chapter 374 of the acts of 1946, providing parking and public access to Little pond, a great pond, along Farm road.

(12) A right of way containing approximately 2.30 acres in the town of Hardwick, as authorized by chapter 371 of the acts of 1958, providing public access to Hardwick pond, a great pond, along Greenwich road.

(13) A right of way containing approximately 0.36 acres in the city of Springfield, as authorized by chapter 342 of the acts of 1951, providing public access to Lake Lorraine, a great pond, along Lorimer street.

(14) The fee interest in and to a parcel of land in the town of West Boylston containing approximately 41.56 acres, located along River road at or near Quinapoxet river

and the Wachusett reservoir, as shown on the West Boylston assessors map 122-1, and as described in a deed recorded at the Worcester district registry of deeds in book 2146 at page 20.

(15) The fee interest in and to a parcel of land in the town of West Boylston containing approximately 34 acres and an associated thirty-foot wide right of way running from Paul X. Tivnan drive to said parcel, shown as "Parcel D" and "30' Right of Way" on a plan titled "Plan of Land in West Boylston, Massachusetts Owned By Commonwealth of Massachusetts," dated November 4, 1999, and prepared by R. W. Hart Associates of Northborough.

(16) Any interest in real estate transferred by legislation enacted subsequent to the abolition of the county in which it is located and before January 1, 2007.

(e) In cases where it is unclear whether or not an interest in real estate was held for county road purposes on the date that a county was abolished, a written determination executed by the commissioner of capital asset management and maintenance shall settle the matter. The determination may be recorded in the appropriate registry of deeds and shall be final and binding on all parties.

(f) Records of county roads situated within the boundaries of any abolished county are hereby transferred to the registry of deeds for the respective county or, if the abolished county has a successor council of governments, to the successor council of governments.

SECTION 5. Section 20 of said chapter 34B, as so appearing, is hereby amended by inserting after the word "commissioners", in line 43, the following words:— including, but not limited to, the powers and duties of county commissioners with regard to county roads.

SECTION 6. Subsection (b) of said section 20 of said chapter 34B, as so appearing, is hereby amended by inserting after the fifth sentence the following sentence:— Notwithstanding any general or special law to the contrary, road actions taken by Hampshire council of governments after Hampshire county was abolished and before January 1, 2007 are hereby ratified, validated and confirmed.

SECTION 7. Said section 20 of said chapter 34B, as so appearing, is hereby further amended by adding the following subsection:—

(n) a council of governments shall maintain or contract with others to maintain records relating to county roads within its jurisdiction.

SECTION 8. Section 1 of chapter 82 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

County commissioners, councils of governments, or other duly authorized councils, committees or boards, in this chapter called county commissioners, in their respective jurisdictions may lay out, alter, relocate, order specific repairs, discontinue and discontinue maintenance of county highways or roads in the manner herein provided, unless other provision is made by law. A council of governments shall have the authority to designate

the powers of the council with relation to county roads to a subgroup of the council, duly constituted under its charter. In counties abolished under chapter 34B or by section 567 of chapter 151 of the acts of 1996 where no council of governments exists, the designated regional planning agency shall create a regional adjudicatory board, comprised of 4 members of the regional planning agency advisory board and the district highway director of the department of highways or his designee, to act as county commissioners under this chapter. County roads in Berkshire county shall be exempt from the foregoing provisions and shall be subject to section 364 of chapter 159 of the acts of 2000. County commissioners may enter into agreements with any petitioner to indemnify themselves from payment of damages or other claims related to this chapter. The agreements shall have the force of law. Sections 1 to 13, inclusive, shall apply to a city council or aldermen when authorized by city charters to lay out, alter, relocate, order specific repairs, discontinue or discontinue maintenance of highways, so far as applicable, and any hearing under said sections required to be held before a city council or board of aldermen so authorized may be held before a duly authorized committee thereof.

SECTION 9. Said section 1 of said chapter 82, as so appearing, is hereby further amended by striking out the words "or discontinue", in line 11, and inserting in place thereof the following words:— , discontinue or discontinue maintenance of.

SECTION 10. Said section 1 of said chapter 82, as so appearing, is hereby further amended by striking out, in lines 15, 18, 23, 28 and in lines 29 and 30, the words "or discontinuance" and inserting in place thereof the following words:— , discontinuance or discontinuance of maintenance.

SECTION 11. The second paragraph of said section 1 of chapter 82, as so appearing, is hereby amended by adding the following sentence:— This paragraph shall apply to towns or cities notifying and receiving concurrence from abutting towns or cities in the case of town roads; or counties, councils of governments, or regional adjudicatory boards notifying and receiving concurrence from abutting counties, councils of governments, or regional adjudicatory boards in the case of county roads.

SECTION 12. Said section 1 of said chapter 82 , as so appearing, is hereby further amended by striking out the last paragraph.

SECTION 13. Section 2 of said chapter 82 , as so appearing, is hereby amended by striking out, in line 3, the words "specific repair or discontinuance" and inserting in place thereof the following words:— relocation, specific repair, discontinuance or discontinuance of maintenance.

SECTION 14. Said section 2 of said chapter 82, as so appearing, is hereby further amended by striking out, in lines 7 and 9, the word "county" and inserting in place thereof, in each instance, the following word:— jurisdiction.

SECTION 15. Section 3 of said chapter 82 , as so appearing, is hereby amended by striking out, in lines 4 and 5, in line 6, and in line 13, the words "specific repair, or discontinuance" and inserting in place thereof, in each instance, the following words:— relocation,

specific repair, discontinuance or discontinuance of maintenance.

SECTION 16. Said section 3 of said chapter 82, as so appearing, is hereby further amended by striking out, in line 9, the words "or specific repair" and inserting in place thereof the following words:— , relocation, specific repair, discontinuance or discontinuance of maintenance.

SECTION 17. Section 4 of said chapter 82 , as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "specifically repairing, or discontinuing" and inserting in place thereof the following words:— relocating, specific repairing, discontinuing or discontinuing maintenance of.

SECTION 18. Section 5 of said chapter 82 , as so appearing, is hereby amended by striking out, in lines 3 and 4, and in line 6, the words "order specific repairs upon or alter" and inserting in place thereof the following words:— alter, relocate, or order specific repairs upon.

SECTION 19. Said section 5 of said chapter 82, as so appearing, is hereby further amended by inserting after the word "discontinuing", in line 10, the following words:— or discontinuing maintenance of.

SECTION 20. Said section 5 of said chapter 82, as so appearing, is hereby further amended by inserting after the word "discontinued", in lines 11 and 12, the following words:— or no longer maintained.

SECTION 21. Said section 5 of said chapter 82, as so appearing, is hereby further amended by inserting after the word "discontinuance", in line 15, the following words:— or discontinuance of maintenance.

SECTION 22. Said section 5 of said chapter 82, as so appearing, is hereby further amended by adding the following 2 sentences:— Upon petition of a town or city, the commissioners may discontinue a county highway and thereafter the way or section of way so discontinued shall be a town way. Unless so petitioned, the discontinued way shall no longer be a public way.

SECTION 23. Section 7 of said chapter 82 , as so appearing, is hereby amended by striking out, in line 7, the words "or discontinuance" and inserting in place thereof the following words:— , discontinuance or discontinuance of maintenance.

SECTION 24. Section 8 of said chapter 82 , as so appearing, is hereby amended by striking out, in line 3, the word "shall" and inserting in place thereof the following word:— may.

SECTION 25. Said section 8 of said chapter 82, as so appearing, is hereby further amended by inserting after the word "begun", in line 13, the following words:— if so required in the return.

SECTION 26. Said section 8 of said chapter 82, as so appearing, is hereby further amended by striking out, in line 13, the word "shall" and inserting in place thereof the following word:— may.

SECTION 27. Section 12 of said chapter 82 , as so appearing, is hereby amended by striking out, in line 2, the words "or discontinued" and inserting in place thereof the following words:— , discontinued or maintenance discontinued.

SECTION 28. Section 13 of said chapter 82 , as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "or discontinued" and inserting in place thereof the following words:— discontinued or maintenance discontinued.

SECTION 29. Section 32A of said chapter 82 , as so appearing, is hereby amended by striking out, in lines 16 and 17, the words "against entering thereon" and inserting in place thereof the following words:— that the way is no longer maintained.

SECTION 30. Said section 32A of said chapter 82, as so appearing, is hereby further amended by adding the following sentence:— Upon petition in writing of the board or officers of a city or town in which a county highway is located, the county commissioners, whenever common convenience and necessity no longer require such way to be maintained in a condition reasonably safe and convenient for public travel, after giving notice in the manner prescribed in section 3, and after viewing the premises and hearing the interested parties in the manner prescribed in section 4, may adjudicate that the town shall no longer be bound to keep the way in repair, and thereupon the adjudication shall take effect; provided, that sufficient notice to warn the public that the way is no longer maintained is posted at both ends of the way, or portions thereof.

SECTION 31. Subsection (e) of section 567 of chapter 151 of the acts of 1996 is hereby amended by inserting after the second sentence the following 2 sentences:— All rights, titles, and interests in real property held by Franklin county for county highway purposes on the effective date of its abolition are hereby transferred to the Franklin council of governments. Records of county roads situated within the boundaries of Franklin county are hereby transferred to the Franklin council of governments.

SECTION 32. Subsection (r) of said section 567 of said chapter 151 is hereby amended by inserting after the word "Laws", in line 7, the following words:— including, but not limited to, the authority of the former county commissioners with regard to county roads. Notwithstanding any general or special law to the contrary, road actions taken by the Franklin council of governments after Franklin county government was abolished and before January 1, 2007 are hereby ratified, validated and confirmed.

SECTION 33. Said section 567 of said chapter 151 is hereby further amended by adding the following subsection:—

(z) The Franklin council of governments shall maintain or contract with others to maintain all records relating to county roads within Franklin county.

Approved November 1, 2006.

Chapter 337. AN ACT AUTHORIZING CERTAIN INVESTMENTS FOR THE TOWN OF WARWICK FREE PUBLIC LIBRARY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the board of trustees of the town of Warwick Free Public Library may invest any present or future gifts and donations received by and for the library in a separate interest-bearing account.

SECTION 2. This act shall take effect upon its passage.

Approved November 1, 2006.

Chapter 338. AN ACT ESTABLISHING A TOURISM REVENUE PRESERVATION FUND IN THE TOWN OF YARMOUTH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Yarmouth shall establish in the town treasury a special account to be known as the Tourism Revenue Preservation Fund of the town of Yarmouth, into which account shall be deposited certain receipts comprising a portion of the total local room occupancy tax received annually by the town under section 3A of chapter 64G of the General Laws, as set forth in section 2, as well as any grants, gifts, or donations made to the town in furtherance of the purposes of this act.

SECTION 2. For the purpose of establishing the portion of the local room occupancy tax that may be deposited in this fund, the town shall deposit, commencing during fiscal year 2007, a base amount of $50,000 , subject to appropriation, and 25 per cent of all local room occupancy tax revenue in excess of $1,585,000 received during fiscal year 2006; and for each subsequent year, the same schedule shall apply using the prior fiscal year's receipts. All interest earned from this fund shall be treated as general fund revenue of the town of Yarmouth.

SECTION 3. There shall be in the town of Yarmouth a community and economic development committee consisting of 7 members appointed by the board of selectmen.

SECTION 4. The community and economic development committee shall recommend to the annual town meeting, commencing with the 2007 town meeting, an amount of money to be appropriated for programs and projects that enhance the beautification, recreational resources, promotional and marketing activities, events, services, and public improvements which are of clear mutual interest to the residents and visitors of the town of Yarmouth, and which strengthen the town as an attractive center for tourism and related purposes of the visitor industry. The cost of these programs shall not exceed the funds available in the Revenue Preservation Fund of the town of Yarmouth, and shall be allocated

as follows: beginning with expenditures appropriated for fiscal year 2007, and appropriations made each later fiscal year, no less than 20 per cent and no more than 40 per cent of the fund shall be used for public improvements including beautification, recreational resources, and public improvements related to the mutual needs of visitors and residents with the balance available for related marketing, and promotional programs, projects and events.

SECTION 5. Upon appropriation by town meeting of the amount of money for the programs, services and other projects described under section 4, the director of community development, with the approval of the community and economic development committee, may expend the approved amounts from the fund for these programs, services, and projects, and may, for the purposes of this section, designate funds to be expended under the direction of the department of public works of the town of Yarmouth or other town agencies, as applicable, or obtain competitive proposals or bids for any services, programs or projects to be provided to the town by vendor contracts, all in accordance with chapter 30B of the General Laws or any other applicable law governing public bidding and procurement. Any and all contracts for services, programs and projects authorized under this act shall be awarded and executed by the board of selectmen, or its designee, upon the recommendation of the community and economic development committee, subject to compliance with all applicable procurement laws.

SECTION 6. Nothing in or resulting from this act shall affect amounts distributed to the town of Yarmouth in any year from the Local Aid Fund.

SECTION 7. This act shall take effect upon its passage.

Approved November 1, 2006.

Chapter 339. AN ACT REDUCING THE SUPPLEMENTAL RESERVE FUND REQUIREMENT FOR THE CITY OF PITTSFIELD.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (c) of section 6 of chapter 28 of the acts of 2001 is hereby amended by striking out, in lines 12 to 15, inclusive, the words "; and the supplemental reserve fund sum for fiscal year 2006 and each subsequent fiscal year shall be an amount equal to 1.5 per cent of the gross amount to be raised for the prior fiscal year for the General Operating Fund as appearing on the city's tax rate recapitulation for that prior year", and inserting in place thereof the following words:- and the required amount of the supplemental reserve fund for subsequent fiscal years shall be not less than the amount of the supplemental reserve fund for fiscal year 2005, plus any additional amount, if any, that the city shall determine.

SECTION 2. This act shall take effect upon its passage.

Approved November 1, 2006.

Chapter 340. AN ACT ELIMINATING THE PROPERTY HOLDINGS CAP FOR THE BOSTON PUBLIC LIBRARY.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 114 of the acts of 1878 is hereby amended by striking out the first sentence, as most recently amended by chapter 167 of the acts of 1953, and inserting in place thereof the following sentence:- Said corporation shall have the authority to take and hold real and personal estate which may be given, bequeathed or devised to it, and accepted by the trustees for the benefit of the public library of the city of Boston or any branch library, or any purpose connected therewith.

SECTION 2. This act shall take effect upon its passage.

Approved November 1, 2006.

Chapter 341. AN ACT MODIFYING THE SCHEDULE FOR DEPOSITS OF REVENUE FOR THE SERVICE OF CIVIL PROCESS BY CONSTABLES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to modify forthwith the schedule for paying certain fees by constables, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by striking out section 95A, as appearing in the 2004 Official Edition, and inserting in place thereof the following section:—

Section 95A. Constables appointed under sections 91, 91A, and 91B or otherwise elected to serve as constables in a city or town shall periodically pay the city or town in which the constable is appointed or elected 25 per cent of all fees the constable collects for the service of civil process under the fee structure established in section 8 of chapter 262. This payment shall be made in installments to be deposited with the city or town treasurer not later than January 15, April 15, July 15 and October 15 of each year, but a constable having less than $500 to deposit at that time shall hold the share for deposit until the sooner of October 15 or the time when the amount due to the city or town under this section equals

or exceeds $500. A treasurer receiving funds under this section shall deposit them into the general fund of the city or town, and they shall be expended, subject to appropriation by a majority vote of the city council in a city or by a majority vote of town meeting in a town, for any purpose which the city or town considers necessary.

Approved November 1, 2006.

Chapter 342. AN ACT RELATIVE TO THE MASSACHUSETTS INSURERS INSOLVENCY FUND.

Be it enacted, etc., as follows:

SECTION 1. Subsection (2) of section 1 of chapter 175D of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

"Covered claim", shall not include (1) claims excluded pursuant to section 17 due to the high net worth of an insured, and (2) any amount due a reinsurer, insurer, insurance pool or underwriting association; provided, that a claim for the amount, asserted against a person insured under a policy issued by an insurer which has become an insolvent insurer, which, if it were not a claim by or for the benefit of a reinsurer, insurer, insurance pool or underwriting association, would be a "covered claim" may be filed directly with the receiver of the insolvent insurer, but in no event may the claim be asserted against the insured of the insolvent insurer.

SECTION 2. Said chapter 175D is hereby further amended by adding the following section:-

Section 17. (1) For purposes of this section "high net worth insured" shall mean any insured whose net worth exceeds $25 million on December 31 of the year before the year in which the insurer becomes an insolvent insurer; but, an insured's net worth on that date shall be considered to include the aggregate net worth of the insured and all of its subsidiaries and affiliates as calculated on a consolidated basis. "High net worth insured" shall not include a federal, state or local government entity.

(2) The fund shall not be obligated to pay a first party claim by a high net worth insured.

(3) The fund shall have the right to recover from a high net worth insured amounts paid by the fund to or on behalf of the insured, whether for indemnity, defense or otherwise.

(4) The fund shall not be obligated to pay a claim that would otherwise be a covered claim that is an obligation to or on behalf of a person who has a net worth greater than that allowed by the insurance guaranty association law of the state of residence of the claimant at the time specified by that state's applicable law, and which fund has denied coverage to that claimant on that basis.

(5) The fund shall establish reasonable procedures subject to the approval of the commissioner for requesting financial information from insureds on a confidential basis for purposes of applying this section; but, the financial information may be shared with any other state guaranty association or fund similar to the fund and the liquidator for the insolvent insurer on the same confidential basis. A request to an insured seeking financial information shall advise the insured of the consequences of failing to provide the financial information. If an insured refuses to provide the requested financial information where it is requested and available, the fund may, until such time as the information is provided, provisionally consider the insured to be a high net worth insured for the purposes of subsections (2) and (3).

(6) In a lawsuit contesting the applicability of this section where the insured has refused to provide financial information under the procedure established pursuant to subsection (5), the insured shall bear the burden of proof concerning its net worth at the relevant time. If the insured fails to prove that its net worth at the relevant time was less than the applicable amount, the court shall award the fund its full costs, expenses and reasonable attorneys' fees in contesting the claim.

SECTION 3. This act shall apply to insolvent insurers so determined on or after the effective date of this act.

Approved November 5, 2006.

Chapter 343. AN ACT ESTABLISHING A SICK LEAVE BANK FOR KAREN ANN DEVINE, AN EMPLOYEE OF THE DEPARTMENT OF CORRECTIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of corrections, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the department of corrections shall establish a sick leave bank for Karen Ann Devine, an employee of the department. Any employee of the department may voluntarily contribute 1 or more of his sick, personal or vacation days or compensatory time to the sick leave bank for use by Karen Ann Devine. Whenever Karen Ann Devine terminates employment with the department or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the extended illness leave bank.

Approved November 8, 2006.

Chapter 344. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITY OF LAWRENCE AS THE CHARLES F. NYHAN, SR. BRIDGE.

Be it enacted, etc., as follows:

The bridge numbered L-4-24, on Salem street and located between South Broadway and Blanchard street in the city of Lawrence shall be designated and known as the Charles F. Nyhan, Sr. Bridge, in honor of Charles F. Nyhan, Sr., a World War II veteran, lifelong resident of the city of Lawrence and dedicated public servant who served as assistant city clerk and city clerk of Lawrence. The department of highways shall erect and maintain suitable markers bearing that designation in compliance with the standards of the department.

Approved November 8, 2006.

Chapter 345. AN ACT DESIGNATING IN THE TOWNS OF ARLINGTON, LEXINGTON, LINCOLN AND CONCORD A SCENIC BYWAY TO BE KNOWN AS THE BATTLE ROAD: THE ROAD TO REVOLUTIONS.

Be it enacted, etc., as follows:

Notwithstanding section 15C of chapter 40 of the General Laws, a portion of Massachusetts avenue in the town of Arlington; Massachusetts avenue, Old Massachusetts avenue and portions of state highway Route 2A, Wood street and Hancock street in the town of Lexington; North Great road in the town of Lincoln; and Lexington road and portions of Monument street and Liberty street in the town of Concord shall be designated and known as the Battle Road: the Road to Revolutions Scenic Byway.

The Battle Road: the Road to Revolutions scenic byway shall begin on Massachusetts avenue at the intersection of Tufts street in the town of Arlington and shall proceed generally northwest along Massachusetts avenue, with a spur to the Hancock/Clarke house on Hancock street, and continue on Massachusetts avenue to Marrett road, and also branches to Wood street, Old Massachusetts avenue and Massachusetts avenue, through the town of Lexington, where both branches shall merge with North Great road in the town of Lincoln and continue westward to Lexington street and Monument square in the town of Concord, where it turns northward to Monument street then southwestward to Liberty street, terminating at the Buttrick mansion and Muster Field of the Minuteman National Historical Park.

The purpose of the Battle Road: the Road to Revolutions scenic byway designation shall be to recognize, protect and enhance the unique historic, scenic, cultural and recreational resources along the byway, including preservation of the character of the corridor, expansion of economic opportunities, development of balanced tourism and a context in which to evaluate proposed roadway changes. The towns of Arlington, Concord, Lexington and Lincoln shall work in cooperation with the National Park Service to preserve

the resources and improve the experience of the byway for both residents and visitors.

Approved November 8, 2006.

Chapter 346. AN ACT EXEMPTING THE POSITION OF SCHOOL CUSTODIAN IN THE TOWN OF HULL FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of school custodian in the town of Hull shall be exempt from chapter 31 of the General Laws.

SECTION 2. Section 1 shall not impair the civil service status of any incumbent holding the position of school custodian in the town of Hull on the effective date of this act.

Approved November 8, 2006.

Chapter 347. AN ACT EXEMPTING THE POSITION OF SUPERINTENDENT OF STREETS OF THE TOWN OF HULL FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of superintendent of streets of the town of Hull shall be exempt from chapter 31 of the General Laws.

SECTION 2. Section 1 shall not impair the civil service status of any person holding this position on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

Approved November 8, 2006.

Chapter 348. AN ACT EXEMPTING THE POSITION OF DEPUTY CHIEF OF THE FIRE DEPARTMENT OF THE CITY OF EASTHAMPTON FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of deputy chief of the fire department of the city of Easthampton shall not be subject to chapter 31 of the General Laws.

SECTION 2. Section l shall not impair the civil service status of any person holding the office of deputy chief of the fire department of the city of Easthampton on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

Approved November 8, 2006.

Chapter 349. AN ACT AUTHORIZING THE TOWN OF LINCOLN TO GRANT A LICENSE FOR THE SALE OF WINES AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. (a) Notwithstanding section 11 of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Lincoln shall cause to be placed on the official ballot at a regular or special town election the following question:

"Shall the licensing authority in the town of Lincoln be authorized to grant 1 license for the sale of wine and malt beverages to be drunk on the premises?"

(b) Below the ballot question, the town shall include a fair and concise summary of the question.

(c) If a majority of the votes cast in answer to the question is in the affirmative, the town shall be taken to have authorized the granting of 1 license for the sale of wines and malt beverages to be drunk on the premises. The license shall be subject to all other provisions of said chapter 138.

SECTION 2. This act shall take effect upon its passage.

Approved November 8, 2006.

Chapter 350. AN ACT AUTHORIZING THE TOWN OF TOPSFIELD TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS.

Be it enacted, etc., as follows:

SECTION 1. There shall be in the town of Topsfield a department of public works, in this act called the department, which shall be under the supervision and control of the board of selectmen, in this act called the board.

SECTION 2. The board shall have all the powers and duties now or from time to time vested by general or special law or by town by-law in the following boards, commissions, or officers: the board of water commissioners, the board of park and cemetery commissioners and the board of road commissioners. The board of water commissioners, the board of park and cemetery commissioners and the board of road commissioners shall be abolished as of the annual town election of 2008. No existing contract or liability shall

be affected by the abolition, but the board shall in all respects be the lawful successor of the offices so abolished. Upon the expiring of the elected boards all statutory powers will revert to the board. Nothing in this act shall be deemed to abolish the water enterprise system.

SECTION 3. The superintendent of each department: highway, water and parks and cemetery shall report to the town administrator commencing on the date of the annual town election of 2008. Until that time they will report to the elected board of road commissioners, board of water commissioners and the board of parks and cemetery commissioners.

SECTION 4. The board shall have all the functions now or from time to time vested by general or special law or by town by-law in the following departments or offices: highway department, water department, and parks and cemetery department.

SECTION 5. The board shall have additional powers related to the duties and responsibilities of public works as the town may from time to time by by-law provide; any other provisions of law to the contrary notwithstanding.

SECTION 6. The town administrator shall, if desired, hire a superintendent of public works, subject to appropriation and the provisions of the town by-laws and personnel by-laws. The superintendent shall exercise and perform, under the supervision and direction of the board, the powers, rights and duties that have been transferred to the board hereunder as the board may from time to time designate. The superintendent shall be responsible for the efficient exercise and performance of the powers, rights and duties of the office, with other qualifications as set forth in the town by-laws. The superintendent need not be a resident of the town during tenure of office.

SECTION 7. Subject to town personnel by-law and appropriation and unless objected to by the board within 30 days of the date of appointment, suspension or removal, the superintendent shall appoint and may suspend or remove such assistants, agents and employees as the exercise and performance of his powers, rights and duties, may require. The superintendent shall keep records of the activities and operations of his office, and render to the board as often as it may require, a report of all operations under his control during the period reported upon; and annually and from time to time as required by the board, shall make a synopsis of the reports for publication. The superintendent shall keep the board advised as to the needs of the town within the scope of his duties, and shall furnish to the board each year, upon its request, a detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said powers, rights and duties.

SECTION 8. Each permanent employee of any board, department and office abolished by this act shall be transferred to and become an employee of the department.

SECTION 9. All equipment owned by the town of Topsfield and under the control of the offices, boards, or commissions abolished by this act shall be transferred to and be under the control and direction of the department.

SECTION 10. This act shall be submitted to the voters of the town of Topsfield for acceptance at the next town election, in the form of the following question, which shall be placed on the official ballot to be used at the election:

"Shall an act passed by the General Court entitled 'An Act authorizing the Town of Topsfield to establish a Department of Public Works', be accepted?"

If a majority of votes cast in answer to this question is in the affirmative, this act shall take effect on the date of the annual town election of 2008.

Approved November 8, 2006.

Chapter 351. AN ACT EXEMPTING FROM INSPECTION CERTAIN ELECTRICAL SUBSTATION AIR TANKS.

Be it enacted, etc., as follows:

Section 34 of chapter 146 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:-

Tanks used in and as part of electrical substations owned or operated by an electric company, as defined in section 1 of chapter 164, shall be exempt from this section if: the tanks bear the stamp of the American Society of Mechanical Engineers; the electrical substation is enclosed, locked and inaccessible to the public; and the tanks are inspected and maintained in accordance with industry standards as determined by the board of boiler rules.

Approved November 8, 2006.

Chapter 352. AN ACT ESTABLISHING AN AFFORDABLE HOUSING TRUST FUND IN THE TOWN OF WELLFLEET.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Wellfleet may establish and maintain a special fund to be known as the Affordable Housing Trust Fund. The fund may accept monies obtained through private and public gifts, contributions, and grants and appropriations made by town meeting.

SECTION 2. The town treasurer of the town of Wellfleet shall be the custodian of the fund and may deposit proceeds in national banks or invest them in securities that are legal for the investment of funds of savings banks under the laws of the commonwealth or in federal savings and loan associations in the commonwealth. Any interest earned on the fund shall be added to and become part of the fund. The trustee of the fund shall be the Wellfleet Housing Authority.

SECTION 3. Expenditures from the Affordable Housing Trust Fund shall be authorized by a majority vote of the Wellfleet Housing Authority in consultation with the Wellfleet local housing partnership. Monies in the fund may be expended at the direction of the trustee without further appropriation for the purpose of promoting and expanding the

affordable housing inventory in the town of Wellfleet, including costs and expenses associated with research, acquisition, creation, construction, maintenance, rehabilitation, relocation, program administration, and legal and engineering fees incurred in connection with this purpose.

Approved November 8, 2006.

Chapter 353. AN ACT FURTHER REGULATING THE CONSIGNMENT OF FINE ART.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 104A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the definitions of "Fine art" and "Art dealer" and inserting in place thereof the following 2 definitions:-

"Fine art", a painting, photograph, sculpture, functional sculpture, hologram, wearable art, drawing, fiber-based work, ceramic-based work, metal work, conceptual-based art, glass-based work, an installation, a work that is created or displayed using computer, digital devices and/or new technology such as, but not limited to, digital prints, digital photographs, CD Roms, DVDs, cyberart, a web/internet-based art work, a performance-based art work and the results of the performance such as, but not limited to, film, video, DVDs, CD Roms, a sound work, an electronic-based work, a work of graphic art, including an etching, lithograph, off set print, silk screen/screen print, or work of graphic art of like nature, a work of calligraphy, an artist's book, or a work in mixed media including collage, assemblage or any combination of the foregoing art media.

"Art dealer" or "Consignee", a person engaged in the business of selling works of fine art, who takes works of fine art on consignment in the regular course of business, other than a person exclusively engaged in the business of selling goods at public auction.

SECTION 2. Said section 1 of said chapter 104A, as so appearing, is hereby further amended by striking out the definition of "Consignment" and inserting in place thereof the following 3 definitions:-

"Consignment", a delivery of a work of fine art under which no title to, estate in, or right to possession of, the work of fine art superior to that of the consignor shall vest in the consignee, notwithstanding the consignee's power or authority to transfer and convey to a third person all of the right, title and interest of the consignor in and to the work of fine art.

"Consignor", a person who consigns a work of fine art to a consignee, including but not limited to an artist who creates works of fine art, an artist's heirs or legatees, or an owner of a work of fine art who holds title to the work of fine art.

"Deliver" or "Delivery", the process of physically transporting a work of fine art from a consignor to a consignee, whether done by the consignor personally, by a professional transportation service, or by the services of an agent or dealer who acts on behalf of the consignor.

SECTION 3. Said chapter 104A is hereby further amended by striking out section 2, as so appearing, and inserting in place thereof the following section:-

Section 2. (a) Notwithstanding any custom, practice or usage of the trade to the contrary, or any other language herein, whenever a consignor delivers or causes to be delivered a work of fine art to a consignee in the commonwealth for the purpose of exhibition or sale, or both, on a commission, fee or other basis of compensation, the delivery to and acceptance of the work of fine art by the consignee shall constitute a consignment, unless the delivery to the consignee is pursuant to an outright sale for which the deliverer of the work of fine art receives or has received compensation for the work of fine art upon delivery.

(b) A consignor who delivers a work of fine art hereunder shall, upon delivery of the work of fine art, furnish to the consignee a separate written statement of delivery of the work of fine art, which shall include at a minimum the following information:-

(1) the artist's name and the name of the owner of the work of fine art;

(2) the title, if any, of the work of fine art;

(3) the medium and dimensions of the work of fine art;

(4) the date of completion of the work of fine art;

(5) the date of delivery of the work of fine art; and

(6) the anticipated fair market value of the work of fine art.

(c) The consignee shall maintain a copy of the consignor's written statement as an acknowledged acceptance of delivery of the art work. If the work of fine art is sold, the consignee shall record the date it sold, for what amount it sold, and name and contact information of who purchased the work of fine art. If the consignor is the creator of the work of fine art or the artist's heirs or legatees, the consignee shall disclose the name and contact information of the purchaser of the work of fine art to the consignor with payment of the funds owed to the consignor.

The consignee shall make all records pertaining to that consignee, including records of accounts, available for the consignor to review during consignee's normal business hours, within a reasonable time after consignor's request, and shall provide copies of the account records to the consignor when requested. The consignee shall keep copies of all books and records for at least 4 years after completion of the consignment.

SECTION 4. Section 3 of said chapter 104A, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) The consignee, after delivery of the work of fine art, shall constitute an agent of the consignor for the purpose of sale or exhibition of the consigned work of fine art.

SECTION 5. Said section 3 of said chapter 104A, as so appearing, is hereby further amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) The proceeds from the sale of the work of fine art shall constitute funds held in trust by the consignee for the benefit of the consignor. The proceeds shall first be applied to pay any balance due the consignor, unless the consignor expressly agrees otherwise in writing. The funds shall be allocated and disbursed in accordance with section 4A.

SECTION 6. Said chapter 104A is hereby further amended by striking out section 4,

as so appearing, and inserting in place thereof the following 2 sections:–

Section 4. (a) A work of fine art received as a consignment, and the funds derived from the sale of the work of fine art, shall remain trust property, notwithstanding the subsequent purchase thereof by the consignee directly or indirectly for the consignee's own account until the price is paid to the consignor. If the work of fine art is thereafter resold to a bona fide purchaser before the consignor has been paid, the proceeds of the resale received by the consignee shall constitute funds held in trust for the benefit of the consignor and the trusteeship shall continue until the fiduciary obligation of the consignee with respect to such transaction is discharged.

(b) A work of fine art, or funds received as a result of the sale of a work of fine art, held in trust and pursuant to this chapter shall be considered property held in a statutory trust as defined and contemplated by 11 U.S.C. section 541 and any other relevant bankruptcy law. A work of fine art received as a consignment, or funds derived from the sale of a work of fine art so received, shall not, under any circumstances, without the express written consent of the consignor, become the property of the consignee.

(c) The consignor of the work of art is solely responsible for keeping his contact information current with the consignee, including name, mailing address, phone number, fax number and email address. If the consignee has in good faith attempted to return the consignor's work of fine art and has attempted in writing to notify the consignor of the intent, but has not been able to locate the consignor within 1 year of the consignee's decision to return the unsold artwork, the work shall be considered forfeited and the consignee may dispose of the property in a manner as the consignee considers appropriate. The consignee shall keep on file a record of attempts to contact the consignor.

Section 4A. (a) A consignee who accepts a work of fine art hereunder and who shall receive money upon the sale of a consigned work of fine art shall show the accounts of each consignor separately on its books. Maintenance by the consignee of separate sub-accounts at its bank in the names of multiple consignors shall serve as prima facie evidence of fulfillment of the separate accounting requirement.

(b) Upon the sale of a consigned work of fine art, the consignee shall pay to the consignor funds owed to the consignor, less any monies owed by the consignor to the consignee, within 90 days of receipt by the consignor of proceeds for the sale. Failure of the consignee to comply with this section shall entitle the consignor to be awarded the amount owed to the consignor together with interest, calculated at a rate of 5 per cent per annum from the date when the payment became due, together with court costs and reasonable attorney's fees incurred by the consignor in collecting monies owed.

(c) Failure by the consignee to pay the consignor funds owed to the consignor, less any monies the consignor owes to the consignee, within 180 days of receipt by the consignee of the funds, shall entitle the consignor to be awarded a sum equal to 3 times the amount owed to the consignor together with interest, calculated at a rate of 5 per cent per annum beginning 90 days after receipt by the consignee of the funds, together with court costs and reasonable attorney's fees incurred by the consignor in collecting monies owed.

(d) A consignee shall not be held liable for any payment obligations or penalties, if

the form of payment provided by the purchaser of a work of fine art is denied processing by its bank or credit card company; but the consignee shall be liable for recovering a work of fine art from the purchaser if the purchaser's payment cannot be processed.

(e) The consignee shall not be held liable for any payment penalties if the consignee has in good faith attempted to make payment to the consignor, but the consignor has not kept his contact information current with the consignee. If the consignee has in good faith attempted to pay the money in trust owed to the consignor, but has not been able to locate the consignor in 4 year's time of the sale of the consigned work of fine art, the consignor's money in trust shall be forfeited to the consignee.

(f) In the event of the closing of the consignee's business, the consignee shall be responsible for notifying the consignor in writing of the closing of the business. All consigned work shall be returned to the consignor by the consignee and all moneys held in trust shall be allocated to the consignor in full within 90 days of the closing. Additionally, in the event of a closing or bankruptcy of the consignee's business, the controlling persons of an art dealership shall be obligated to keep and maintain all records of the dealership for 4 years.

Approved November 8, 2006.

Chapter 354. AN ACT FURTHER REGULATING PAYMENT AGREEMENTS FOR LOCAL TAXES.

Be it enacted, etc., as follows:

SECTION 1. Section 62 of chapter 60 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 14 and 15, the words ", each of which except the last, shall be in an amount of not less than twenty-five per cent of the sum for which the land was originally sold".

SECTION 2. Said section 62 of said chapter 60, as so appearing, is hereby further amended by striking out, in lines 25 and 26, the words "one year beyond the time period provided by section sixty-five; but not more than one such extension shall be granted" and inserting in place thereof the following words:- 2 years beyond the time period provided by section 65.

Approved November 9, 2006.

Chapter 355. AN ACT ESTABLISHING THE FREEDOM'S WAY HERITAGE AREA AND COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. There shall be a Freedom's Way Heritage Area, hereinafter referred to as the area, which shall include the cities and towns of Acton, Arlington, Ashburnham, Ashby, Ayer, Bedford, Bolton, Boxborough, Carlisle, Clinton, Concord, Dunstable, Fitchburg, Gardner, Groton, Harvard, Hudson, Lancaster, Leominster, Lexington, Lincoln, Littleton, Lunenburg, Malden, Maynard, Medford, Pepperell, Princeton, Shirley, Sterling, Stow, Sudbury, Townsend, Westford, Westminster, Winchendon and Woburn, to recognize the significant historic, cultural, and natural resources of the Freedom's Way Heritage Area and to preserve and interpret them for the education and inspiration of present and future generations. Nothing in this act shall limit the rights of private property owners or the cities and towns or agencies of the commonwealth to develop the lands, buildings and resources of the area in the manner they determine appropriate. It is the purpose of this act to provide a management framework to assist the commonwealth and the units of local government cited herein in the development and implementation of integrated cultural, historical, land and water resource management programs in cooperation with the federal government and the state of New Hampshire in order to retain, enhance and interpret the significant values of the natural and cultural resources of the area in consultation with the Massachusetts Historical Commission.

SECTION 2. There shall be a commission to be known as the Freedom's Way Heritage Area Commission, hereinafter referred to as the commission, which may coordinate the activities and establish or recommend cooperative agreements with federal, state and local governments and private businesses and organizations, in consultation with the Massachusetts Historical Commission, to: (a) further historic preservation, cultural conservation, natural resource protection, tourism and compatible economic revitalization and development; (b) establish guidelines and prepare or assist in the preparation of programs and to further the above goals through recognition, preservation, promotion, and interpretation; (c) advise and assist with loan and grant applications; (d) provide loans and grants from funds appropriated for that purpose for buildings, landscapes, sites, resources and objects which are included or eligible for inclusion on the National Register of Historic Places or the State Register of Historic Places or for the purpose of providing educational and cultural programs which encourage appreciation of the resources of the area or which further the themes of rediscovering the native landscape, inventing the New England landscape and shaping the landscape of democracy; and (e) prepare and implement a unified historic preservation and interpretive plan for the area.

SECTION 3. The commission shall consist of 15 persons to be appointed by the governor, each of whom shall serve initial terms of 1, 2, or 3 years followed by terms of 3 years. Of these 15 persons, 4 shall be representatives of local government from the cities and towns within the area; 7 shall represent Freedom's Way Heritage Association, local historical societies, a chamber of commerce, regional environmental organizations, museums or other interpretive centers, the African American and Nipmuc communities, and local and regional land managers; 2 shall be persons who are residents of the area to represent other interests the governor deems appropriate; and 2 shall be the commissioner of the department of conservation and recreation and the executive director of the Massachusetts Historical Commis-

sion or their designees, who shall serve ex officio.

A vacancy in the commission shall be filled in the manner in which the original appointment was made. Any member of the commission appointed for a definite term may serve after the expiration of that term until a successor is appointed and qualified.

Members of the commission shall receive no pay for their service on the commission, but may receive reasonable expenses for travel when engaged in commission business, provided such expenses are not reimbursed by any other source.

The chairperson of the commission shall be elected by the members of the commission for a term of 1 year and may be eligible for reelection to subsequent terms. A simple majority of the members shall constitute a quorum for the transaction of business. The commission shall meet at least quarterly and at the call of the chairperson or a majority of its members.

The commission shall work cooperatively with representatives from the United States Fish and Wildlife Service, the United States National Park Service, and the state of New Hampshire.

If a Freedom's Way Heritage Area is designated within the Department of the Interior by an act of Congress, the governor may, at his discretion, terminate the Commission at such time as a federal management entity is established and appointed.

SECTION 4. The commission may for the purpose of carrying out this act hold hearings, take testimony and receive evidence at times and places, that the commission may deem advisable. The commission may authorize any member or agent of the commission to take action which the commission is authorized to take. The commission may hire an executive director and administrative staff.

The commission may establish and appoint 1 or more technical advisory groups and subcommittees to provide technical advice in financing, historic preservation, natural resource preservation, recreation, tourism and intergovernmental coordination. Notwithstanding any general or special law to the contrary, the commission may seek, accept and dispose of donations of funds, property or services from individuals, foundations, corporations and other private and public entities for the purpose of carrying out its duties. The commission may use funds to obtain money from any source under any program or law requiring the recipient to make a contribution in order to receive this money. The commission may obtain by purchase, rental, donation or otherwise, facilities and services that may be needed to carry out its duties.

The commission may establish such advisory groups that the commission deems necessary to ensure open communication with, and assistance from, the secretary of the United States Department of the Interior, the state of New Hampshire, the commonwealth, political subdivisions of the commonwealth and interested persons.

The commission may enter into cooperative agreements with the secretary of the United States Department of the Interior, the commonwealth, any political subdivision of the commonwealth, the state of New Hampshire or with any person.

The commission may: (a) coordinate activities of and establish cooperative agreements with federal, state, and local governments and private businesses and organizations

in order to further historic preservation, cultural conservation, natural area protection and compatible revitalization; (b) establish guidelines and standards for projects and prepare programs and exhibits that will further the recognition, preservation, promotion, interpretation and economic revitalization of the historic and natural resources in the area; (c) provide advice and assistance in preparation of loan and grant applications to the commission and applications for loans or grants from federal or nonfederal sources in furtherance of the purposes of this act; (d) make loans and grants, from funds appropriated for that purpose from funds donated or otherwise made available to the commission, for the purpose of conserving and protecting sites, buildings, landscapes, resources and objects which are included or eligible for inclusion on the State or National Register of Historic Places or for the purposes of providing educational and cultural programs which encourage appreciation of the resources in the area; and (e) prepare and implement a study report which shall incorporate in whole or in part the plan prepared by the Freedom's Way Heritage Commission and shall present a unified historic preservation and interpretive plan for the area. The report shall include an analysis of the methods and means of inventorying, preserving and interpreting the historical, cultural and natural resources of the area along with recommendations concerning use of these resources and coordination of activities within the area.

The foregoing was laid before the Governor on the Thirtieth day of October, 2006 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 356. AN ACT PROVIDING FOR THE PREVENTION OF SHAKEN BABY SYNDROME.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the prevention of shaken baby syndrome, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 111 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following definition:-

"Shaken baby syndrome", a form of abusive head trauma, characterized by a constellation of symptoms caused by a non-accidental traumatic injury resulting from the violent shaking of and impact upon an infant or child's head.

SECTION 2. Said chapter 111 is hereby further amended by inserting after section 24J the following section:-

Section 24K. (a) The department of public health shall collaborate with the department of social services, the Massachusetts Children's Trust Fund, other state agencies serving families and children, health care providers, law enforcement personnel, human service providers, and child advocacy organizations to develop and implement a comprehensive, state-wide shaken baby syndrome prevention initiative to reduce death and disability resulting from shaken baby syndrome. The initiative shall be subject to appropriation and shall include, but not be limited to:-

(1) the institution of a program to educate patients concerning shaken baby syndrome prevention, provided that parents or guardians of a newborn shall, by the time of discharge from a hospital or birth center, receive education and materials to be developed by the department of public health describing the dangers of shaking infants and children and the risks associated with shaken baby syndrome. Education and materials shall include, but not be limited to, information concerning the medical and physical effects of shaking infants and children, appropriate methods of handling infants and children, methods of preventing and reducing the risk of shaking infants and children, and the availability of community-based programs and other resources to prevent shaken baby syndrome;

(2) the institution of education and training programs concerning the prevention and diagnosis of shaken baby syndrome for parents, caregivers, health care providers, and other professionals who serve or have contact with children and families, and the department of public health shall develop necessary educational materials;

(3) the development of a program to support and serve victims and families affected by shaken baby syndrome; and

(4) the creation of a surveillance and data collection program to measure the incidence of shaken baby syndrome and traumatic brain injury in infants and children.

(b) No caregivers, health providers, or other professionals serving children and families who provide education or report information related to the department's surveillance process shall be liable in any civil or criminal action, if the actions were required by this section and made in good faith.

(c) The department of public health may adopt regulations to implement this section. The department shall consult with a statewide advisory group of interested parties before implementation of the initiative and the regulations adopted under this section. The department shall, in consultation with the department of social services and the Massachusetts Children's Trust Fund, conduct an annual evaluation of the shaken baby syndrome prevention initiative and shall report annually to the governor concerning the activities undertaken as part of the initiative and the results of the annual evaluation. A copy of the report shall be filed with the clerks of the house of representatives and the senate no later than February of each year.

Approved November 16, 2006

Chapter 357. AN ACT AUTHORIZING THE TOWN OF IPSWICH TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Ipswich may grant a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138 to the Hellenic Center, located on County road, on state highway route 1A. The license shall be subject to all of said chapter 138, except said section 17. The licensing authority shall not approve the transfer of the license to any other person, organization, corporation or location. Upon issuance of the license under this chapter, the Hellenic Center shall return to the town the seasonal alcoholic beverage license it currently holds.

SECTION 2. This act shall take effect upon its passage.

Approved November 16, 2006.

Chapter 358. AN ACT REGULATING THE APPOINTMENT OF POLICE OFFICERS IN THE TOWN OF BOXFORD.

Be it enacted, etc., as follows:

Notwithstanding section 97 of chapter 41 of the General Laws, the board of selectmen of the town of Boxford may appoint full-time police officers, upon successful completion of probation, without a designation of term.

Approved November 16, 2006.

Chapter 359. AN ACT DESIGNATING A CERTAIN PARCEL OF LAND IN THE CITY OF BOSTON AS THE FRANK JORDAN MEMORIAL ROSE GARDEN.

Be it enacted, etc., as follows:

The parcel of land presently known as the Rose Garden located within the Southwest Corridor Park in the Back Bay, in the South End section of the city of Boston shall be designated and known as the Frank Jordan Memorial Rose Garden, in memory of Frank Jordan who served 11 years as president of the parkland management advisory committee. The department of conservation and recreation shall erect and maintain a suitable marker bearing the designation in compliance with the standards of the department.

Approved November 16, 2006.

Chapter 360. AN ACT AUTHORIZING PAYROLL DEDUCTIONS TO SUPPORT HIGHER EDUCATION.

Be it enacted, etc., as follows:

SECTION 1. Section 17B of chapter 180 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "fund", in lines 5 and 12, the following words:- , or to scholarship and other fundraising initiatives that benefit a public institution of higher education, its affiliates and foundations as listed in section 5 of chapter 15A.

SECTION 2. Said chapter 180 is hereby further amended by inserting after section 17M the following section:-

Section 17N. Deductions on payroll schedules may be made from the salary of a university of Massachusetts employee of an amount which the employee may specify in writing to the payroll office of the campus where he is employed for payment of certain university sponsored activities. The authorization may be withdrawn by the employee, by giving 60 days notice in writing of the withdrawal to the payroll office where he is employed. The treasurer of the university shall deduct from the salary of the employee the amount of authorized deductions certified to him on the payroll and transmit the sum so deducted to the recipient specified by the employee.

Approved November 16, 2006.

Chapter 361. AN ACT AUTHORIZING CERTAIN BORROWING BY BUNKER HILL COMMUNITY COLLEGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize certain borrowing by Bunker Hill Community College, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Bunker Hill Community College may borrow an amount not to exceed $8,000,000 through the Massachusetts Health and Educational Facilities Authority for the planning, design, and construction of a health and wellness center at Bunker Hill Community College. The term of this borrowing shall be 30 years.

Approved November 16, 2006.

Chapter 362. AN ACT PROVIDING CERTAIN BENEFITS FOR CALL FIREFIGHTERS IN THE TOWN OF WENHAM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 32B of the General Laws or any other general or special law to the contrary, if any call firefighter of the town of Wenham while in the performance of his duties and as a result of an accident while responding to or returning from an alarm of fire or any emergency, or as the result of an accident involving a fire department vehicle which the firefighter or emergency medical service provider is operating or in which he is riding, or while at the scene of a fire or any emergency, is killed or sustains injuries which result in his death or permanent disability as defined in the Social Security Act, that call firefighter shall be considered to be an employee within the meaning of said chapter 32B, and the call firefighter and his dependents shall be eligible to enroll in the town of Wenham's group health insurance programs. The town shall pay that portion of the health insurance premiums that it is paying for retired full-time employees at the time of the call firefighter's death or permanent disability.

SECTION 2. This act shall take effect upon its passage.

Approved November 16, 2006.

Chapter 363. AN ACT PROTECTING CHILDREN FROM PERSONS WHO OFFER TO PAY FOR SEXUAL CONTACT.

Be it enacted, etc., as follows:

Chapter 272 of the General Laws is hereby amended by striking out section 53A, as appearing in the 2004 Official Edition, and inserting in place thereof the following section:—

Section 53A. (a) Whoever engages, agrees to engage, or offers to engage in sexual conduct with another person in return for a fee, or whoever pays, agrees to pay, or offers to pay another person to engage in sexual conduct, or to agree to engage in sexual conduct with another natural person, shall be punished by imprisonment in the house of correction for not more than 1 year or by a fine of not more than $500 or by both such imprisonment and fine, whether such sexual conduct occurs or not.

(b) Whoever pays, agrees to pay, or offers to pay any person with the intent to engage in sexual conduct with a child under the age of 14, or whoever is paid, agrees to pay, or agrees that a third person be paid in return for aiding a person who intends to engage in sexual conduct with a child under the age of 14, shall be punished by imprisonment in the state prison for not more than 10 years or in the house of correction for not more than 2½ years, whether such sexual conduct occurs or not.

Approved November 16, 2006.

Chapter 364. AN ACT DESIGNATING BENJAMIN FRANKLIN AS THE OFFICIAL INVENTOR OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 2 of the General Laws is hereby amended by adding the following section:- Section 55. Benjamin Franklin shall be the official inventor of the commonwealth.

Approved November 16, 2006.

Chapter 365. AN ACT ESTABLISHING A SICK LEAVE BANK FOR MICHAEL LOPRIORE, AN EMPLOYEE OF THE TRIAL COURT.

Whereas, The deferred operation of this act would defeat its purpose, which is to establish forthwith a sick leave bank for Michael LoPriore an employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or rule or regulation to the contrary, the trial court shall establish a sick leave bank for Michael LoPriore, an employee of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Michael LoPriore. Whenever Michael LoPriore terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the trial court paid leave bank.

SECTION 2. This act shall be effective as of October 13, 2006.

Approved November 22, 2006.

Chapter 366. AN ACT FURTHER REGULATING REVIEW OF FENCE VIEWERS' RULINGS.

Be it enacted, etc., as follows:

Section 4 of chapter 249 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "court", in line 7, the following words:- or, if the matter involves fence viewers, in the district court.

Approved November 22, 2006.

Chapter 367. AN ACT ESTABLISHING AN APPOINTED SUPERINTENDENT OF STREETS IN THE TOWN OF LAKEVILLE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding sections 1, 1B, 21 and 66 of chapter 41 of the General Laws or any other general or special law, rule or regulation to the contrary, the board of selectmen of the town of Lakeville shall appoint and may remove at its discretion a superintendent of streets.

SECTION 2. The superintendent of streets appointed under this act shall have the duties and responsibilities of a superintendent of streets as set forth in the General Laws; but the board of selectmen shall appoint and remove all employees under the supervision of the superintendent of streets.

SECTION 3. Appointment of a superintendent of streets shall be made by the board of selectmen upon the expiration of the term of the incumbent elected highway surveyor, or upon his sooner resignation. Upon the appointment and qualification of a superintendent of streets as authorized in this act, the office of highway surveyor shall terminate.

SECTION 4. This act shall take effect upon its passage.

Approved November 22, 2006.

Chapter 368. AN ACT ESTABLISHING THE COHASSET LIBRARY TRUST, INC.

Be it enacted, etc., as follows:

SECTION 1. In addition to the powers and duties applicable to boards of library trustees under the General Laws, the board of library trustees of the town of Cohasset may establish, maintain and operate a nonprofit corporation to be called the Cohasset Library Trust, Inc. under chapter 180 of the General Laws for charitable and educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code to benefit and carry out the charitable, educational and other exempt purposes of the Paul Pratt Memorial Library, the public library of the town of Cohasset.

SECTION 2. All members of the board of directors of the Cohasset Library Trust, Inc. shall be appointed by majority vote of the members present and voting of the Cohasset board of library trustees for terms of up to 3 years, and the trustees may remove by majority vote any director with or without cause, but any removal for cause shall be with notice and opportunity to be heard by the board of trustees. A library trustee shall be eligible to serve as a director or as an officer of Cohasset Library Trust, Inc., notwithstanding any general or special law to the contrary. A library trustee may participate in any matter as a trustee involving the trust, and any director or officer of the trust may participate in any matter involving the Cohasset board of library trustees, notwithstanding any general or special law to the contrary.

SECTION 3. No part of the assets or net earnings of Cohasset Library Trust, Inc. shall inure to the benefit of, or be distributable to, its directors, officers or other private persons except that the Cohasset Library Trust, Inc. may pay reasonable compensation for services rendered and make payments and distributions in furtherance of the purposes of this act.

SECTION 4. The treasurer of the town of Cohasset shall serve ex officio as treasurer of the Cohasset Library Trust, Inc., and the treasurer may participate in any matter as treasurer of the town or as treasurer of the trust, notwithstanding any general or special law to the contrary.

SECTION 5. Upon the establishment of the Cohasset Library Trust, Inc., the town treasurer shall pay over from the town treasury and otherwise turn over to the Trust all endowment, trust, fiduciary or other accrued funds held by the town for library purposes, but the town shall not appropriate any public funds for the trust. The board of directors of the trust shall in consultation with the treasurer decide upon and implement investment decisions as to the management of all funds paid over, including investment in accounts, funds and investments, notwithstanding any general or special law to the contrary with respect to public funds.

SECTION 6. The town of Cohasset, acting by and through town meeting, may enact by-laws to carry out the purposes of this act and to assign to the Cohasset Library Trust, Inc. additional duties within the scope of its charitable purposes, but the trust shall have no role in the governance of the library. The trust shall annually report to the town in the town's annual report as to its doings and assets.

SECTION 7. This act shall take effect upon its passage.

Approved November 27, 2006.

Chapter 369. AN ACT AMENDING THE MEMBERSHIP OF THE METROPOLITAN AREA PLANNING COUNCIL.

Be it enacted, etc., as follows:

SECTION 1. Section 24 of chapter 40B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 14 and 15, the words "metropolitan district commission" and inserting in place thereof the following words:- department of conservation and recreation.

SECTION 2. Said section 24 of said chapter 40B, as so appearing, is hereby further amended by striking out, in line 22, the words "Upon the expiration of the term of any appointed" and inserting in place thereof the following words:- The municipal appointing authority of any city or town may designate an alternate representative to serve coterminously

with the representative appointed under this section. Upon the expiration of the term of any appointed or alternate.

Approved November 27, 2006.

Chapter 370. AN ACT RELATIVE TO LENDING LIMITS.

Be it enacted, etc., as follows:

Subsection (a) of section 6 of chapter 167E of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out clauses (4) and (5) and inserting in place thereof the following 2 clauses:-

(4) Obligations of a foreign government or a political subdivision thereof shall be limited to 10 per cent of capital; but a well capitalized bank engaged in a global custody business that has no less than $5,000,000,000 of foreign currency denominated deposits shall be limited to 40 per cent of capital.

(5) Obligations of all foreign governments and political subdivisions thereof shall not exceed a total of 50 per cent of capital; but a well capitalized bank engaged in a global custody business that has no less than $5,000,000,000 of foreign currency denominated deposit shall not be subject to that limitation.

Approved November 27, 2006.

Chapter 371. AN ACT AUTHORIZING ADDITIONAL BORROWING FOR THE GERIATRIC AUTHORITY OF THE CITY OF HOLYOKE.

Be it enacted, etc., as follows:

Chapter 554 of the acts of 1971 is hereby amended by striking out section 10A, inserted by section 2 of chapter 1097 of the acts of 1973, and inserting in place thereof the following section:-

Section 10A. For the purposes of this act, the city may, from time to time, issue bonds or notes to an amount not exceeding, in the aggregate, $20,000,000. These bonds or notes shall bear on their face the words "Geriatric Authority of Holyoke Loan, Act of 1971". Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than 40 years from their dates. Indebtedness incurred from time to time under this act shall be outside the statutory limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws, but shall, except as otherwise provided in this act, be subject to said chapter 44, exclusive of the limitations contained in section 7 of said chapter 44. The proceeds of these bonds or notes shall be paid over to the treasurer of the authority to be used

for the purposes of this act, upon the terms and conditions to which the city and the authority shall mutually agree.

Approved December 7, 2006.

Chapter 372. AN ACT REGULATING INTEREST RATES FOR BETTERMENT ASSESSMENTS FOR PLUM ISLAND MUNICIPAL SEWER AND WATER SERVICES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 103 of the acts of 2003 is hereby amended by striking out section 6 and inserting in place thereof the following section:-

Section 6. Notwithstanding section 13 of chapter 80 of the General Laws or any other general or special law to the contrary, the board of assessors of the town of Newbury and the assessor of taxes of the city of Newburyport may, at the request of the owner of the land so assessed, apportion all betterment assessments or unpaid balances of those assessments relative to the common sewer system and municipal water system and related improvements in the Plum Island Service Area into equal portions of up to 30 to be paid annually for a period of up to 30 years after the assessments first appear on the affected landowner's real estate tax bill. The apportioned assessments shall bear interest at the rates set by the city council of the city of Newburyport for assessments upon property located in Newburyport and at the rates set by the town meeting of the town of Newbury for assessments upon property located in Newbury, in either case such rates shall not exceed 5 per cent per annum, and, if the city council or town meeting does not set different rates, the rates shall be 5 per cent per annum or, if the city or town so elects, rates equal to 2 per cent above the rates of interest chargeable to the city or town, respectively, for the sewer or water project to which the assessments relate.

SECTION 2. If, upon the effective date of this act, these assessments have already been billed but not yet apportioned and added to the tax bills, the interest rates may be set under this act at any time before the date the first portion is added to the tax bills. If, upon the effective date of this act, these assessments have already been apportioned and 1 or more portions with interest at the rates allowed under section 13 of chapter 80 of the General Laws have been added to the annual tax assessed with respect to the assessed properties, then from the first day of October after the effective date of this act and, in each municipality, the votes permitted under this act, the apportioned assessments shall bear interest at the rates set by vote of the city council of Newburyport, which vote may be taken before or after the effective date of this act, for assessments upon property located in Newburyport, and at the rates set by vote of the town meeting of Newbury, which vote may be taken before or after the effective date of this act, for assessments upon property located in Newbury, in either case

such rates shall not exceed 5 per cent per annum, and, if the city council or town meeting does not set different rates as permitted under this act, the rates shall continue at a rate of 5 per cent per annum or, if the city or town so elects, at rates equal to 2 per cent above the rates of interest chargeable to the city or town, respectively, for the project to which the assessments relate, until different rates are enacted under this act. Once interest rates are set by vote of the city council or town meeting under this act, they shall not be changed.

Approved December 7, 2006.

Chapter 373. AN ACT AUTHORIZING PRIVATE ROAD BETTERMENT BORROWING BY THE TOWN OF BREWSTER.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the town of Brewster may incur debt, within the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws, for up to 15 years, in anticipation of reimbursement by private property owners through betterments assessed under chapter 80 of the General Laws for repairs, including but not limited to the grading, widening, resurfacing, and general maintenance of private ways, and the town may undertake these repairs, as authorized by town meeting vote under the private road betterments by-law, Brewster town code, section 157-20.

Approved December 7, 2006.

Chapter 374. AN ACT RELATIVE TO THE WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION.

Be it enacted, etc., as follows:

Paragraph (a) of section 7 of chapter 461 of the acts of 1996 is hereby amended by adding the following sentence:- The commission may charge fees, rates, rents, assessments, delinquency charges and other charges based on user sewer capacity or on water usage at the discretion of the commission.

Approved December 7, 2006.

Chapter 375. AN ACT RELATIVE TO HAZARDOUS MATERIALS MITIGATION.

Be it enacted, etc., as follows:

Section 5 of chapter 21K of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following subsection:-

(m) The commonwealth shall, subject to appropriation, reimburse a municipality for costs incurred for the emergency mitigation response of its members of a hazardous materials mitigation emergency response team and shall pay an annual stipend of $3,000 to each member of that team.

Approved December 13, 2006.

Chapter 376. AN ACT AUTHORIZING TRANSFERS FROM THE NORTH EAST SOLID WASTE COMMITTEE ENTERPRISE FUND BALANCE IN THE TOWN OF ACTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 53F½ of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Acton may from time to time transfer from the town's North East Solid Waste Committee Enterprise Fund to the town's General Fund all or a portion of the remaining North East Solid Waste Committee Enterprise Fund balance, by majority vote of the town meeting, and may appropriate these funds for other municipal purposes.

SECTION 2. This act shall take effect upon its passage.

Approved December 13, 2006.

Chapter 377. AN ACT AUTHORIZING THE LICENSING AUTHORITY OF THE TOWN OF NORTHBOROUGH TO GRANT FIVE ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

(a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Northborough may grant up to 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138.

(b) The licenses shall be subject to all of said chapter 138 except said section 17. Once issued, no license granted under this section shall be transferred to any other location and no license shall be re-issued to the same location within 6 months from the date the prior license terminated unless the applicant files a letter in writing from the department of revenue with the local licensing authority indicating the prior licensee's good standing with the department.

(c) The licenses shall be restricted to the property to be used for a commercial center at the property shown on assessors maps as follows:

Map	Parcel
108	3
109	15
107	1
106	5
106	6
106	3
106	7
98	2.

Approved December 13, 2006.

Chapter 378. AN ACT AUTHORIZING THE TOWN OF REHOBOTH TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Rehoboth may grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises to Ferrini Enterprises, Inc. d/b/a The Grapevine, 289 Winthrop street, Unit 9, under section 15 of said chapter 138. The license shall be subject to all of said chapter 138 except said section 17. The licensing authority shall not approve the transfer of the license to any other person, organization, corporation or location. Upon issuance of the license Ferrini Enterprises, Inc. d/b/a The Grapevine shall return to the town the license for the sale of wines and malt beverages not to be drunk on the premises that it now holds.

Approved December 13, 2006.

Chapter 379. AN ACT DESIGNATING DECEMBER 15 AS BILL OF RIGHTS DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15ZZZZ the following section:—

Section 15AAAAA. The governor shall annually issue a proclamation setting apart December 15 as Bill Of Rights Day, in respect for the first 10 Amendments to the United States Constitution, and recommending that the day be observed in an appropriate manner by the people.

Approved December 14, 2006.

Chapter 380. AN ACT PROVIDING THE TERMS OF CERTAIN BONDS TO BE ISSUED BY THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to facilitate the issuance of bonds to carry out the purpose of a certain act passed by the general court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the bonds which the state treasurer may issue under section 107 of chapter 123 of the acts of 2006 shall be issued for a term not to exceed 20 years. All such bonds shall be payable not later than June 30, 2030, as recommended by the governor in a message to the general court dated July 27, 2006 pursuant to section 3 of Article LXII of the Amendments to the Constitution.

Approved December 19, 2006.

Chapter 381. AN ACT AUTHORIZING THE TOWN OF WENHAM TO GRANT CERTAIN LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Wenham may grant 4 licenses for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138 to restaurants having seating capacities of less than 100 and not containing a lounge or bar. The serving of alcoholic beverages by a licensee under this section shall be incidental to the serving of meals. The licenses shall be subject to all of said chapter 138, except said section 17. Once issued, a license granted under this section shall not be transferred to any other location and no license shall be re-issued to the same location within 6 months from the date the prior license terminated unless the applicant files a letter in writing from the department of revenue with the local licensing authority indicating the prior licensee's good standing with said department.

SECTION 2. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Wenham may grant 10 one day special licenses for the sale of all alcoholic beverages to be drunk on the premises under section 14 of said chapter 138 to restaurants having seating capacities of less than 100 and not containing a lounge or bar. The serving of alcoholic beverages shall be incidental to the serving of meals. The licenses shall be subject to all of said chapter 138 except said section 17. Once issued, a license granted under this section shall not be transferred to any other location and no license shall be re-issued to the same location within 6 months from the date the prior license terminated

unless the applicant files a letter in writing from the department of revenue with the local licensing authority indicating the prior licensee's good standing with the department.

SECTION 3. This act shall take effect upon its passage.

Approved December 19, 2006.

Chapter 382. AN ACT AUTHORIZING THE TOWN OF WINCHESTER TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Winchester may grant 1 additional license for the sale of all alcoholic beverages not to be drunk on the premises under section 15 of said chapter 138. The license shall be subject to said chapter 138 except said section 17. Once issued, no license granted under this section shall be transferred to any other location and no license shall be re-issued to the same location within 6 months from the date the prior license terminated unless the applicant files a letter in writing from the department of revenue with the local license authority indicating the prior licensee's good standing with the department.

SECTION 2. This act shall take effect upon its passage.

Approved December 19, 2006.

Chapter 383. AN ACT INCREASING THE NUMBER OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Section 17 of chapter 138 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the sixth paragraph the following paragraph:-

The licensing board for the city of Boston may grant up to 25 additional licenses for the sale of all alcoholic beverages to be drunk on the premises and up to 30 additional licenses for the sale of wines and malt beverages to be drunk on the premises. Notwithstanding the first sentence, 5 of the additional all alcoholic beverages licenses shall be granted only to innholders duly licensed under chapter 140 to conduct a hotel and 10 of the additional all alcoholic beverages licenses shall be granted, to existing holders of licenses

for the sale of wines and malt beverages under section 12 provided that those licensees return to the licensing board, the licenses that they currently hold. The remaining licenses for the sale of all alcoholic beverages to be drunk on the premises and the 30 additional licenses for the sale of wines and malt beverages to be drunk on the premises shall be granted in the areas designated by the Boston Redevelopment Authority as main street districts, urban renewal areas, empowerment zones or municipal harbor plan areas. Once issued to a licensee in a Boston Redevelopment Authority designated area, the licensing board shall not approve the transfer of that license to a location outside of the designated area. A license granted pursuant to this paragraph shall be nontransferable to any other person, corporation or organization and shall be clearly marked nontransferable on the face of the license. A license issued under this paragraph, if revoked or no longer in use, shall be returned physically, with all of the legal rights and privileges thereto, to the licensing board which may grant any such returned license to a new applicant consistent with the criteria set forth in this paragraph. No license shall be re-issued to the same location within 6 months from the date the prior license terminated unless the applicant files a letter in writing from the department of revenue with the local licensing authority indicating the prior licensee's good standing with the department.

SECTION 2. This act shall take effect upon its passage.

Approved December 19, 2006.

Chapter 384. AN ACT ESTABLISHING A SICK LEAVE BANK FOR PAULA PHELAN, AN EMPLOYEE OF THE MASSACHUSETTS DEPARTMENT OF INDUSTRIAL ACCIDENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for certain employee of the department of industrial accidents, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the department of industrial accidents shall establish a sick leave bank for Paula Phelan, an employee of the stenographer unit of the department of industrial accidents.

Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Paula Phelan. Whenever Paula Phelan terminates employment with the department or requests to dissolve the sick leave bank, the

balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved December 19, 2006.

Chapter 385. AN ACT AUTHORIZING THE TOWN OF ARLINGTON TO ISSUE CERTAIN TEMPORARY LOANS IN ANTICIPATION OF BONDS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 17 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Arlington may issue temporary loans, including temporary loans issued to refund prior temporary loans, in anticipation of the $14,000,000 bonds authorized by the vote of the town passed January 16, 2002 under article 2 of the warrant for the October 1, 2001 special town meeting for urban renewal purposes for a period of not more than 10 years from the date of issue of the original temporary loan. No part of these temporary loans shall be paid from revenue funds during the 10-year period.

SECTION 2. This act shall take effect upon its passage.

Approved December 19, 2006.

Chapter 386. AN ACT VALIDATING THE ACTION TAKEN AT THE TOWN ELECTION HELD BY THE TOWN OF LANESBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 9 and 10 of chapter 39 of the General Laws or any other general or special law or by-law to the contrary, the acts, votes and proceedings taken by the town of Lanesborough at the town election held on May 16, 2006 and the actions taken pursuant thereto are hereby ratified, validated and confirmed, to the same extent as if the warrant for that election had been posted in compliance with law including applicable by-laws.

SECTION 2. This act shall take effect upon its passage.

Approved December 22, 2006.

Chapter 387. AN ACT ESTABLISHING A SICK LEAVE BANK FOR CAROL DENAULT, AN EMPLOYEE OF THE DEPARTMENT OF MENTAL HEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for Carol Denault, an employee of the department of mental health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the department of mental health shall establish a sick leave bank for Carol Denault, an employee of the department of mental health at Worcester state hospital. Any employee may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Carol Denault. Whenever Carol Denault terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved December 22, 2006.

Chapter 388. AN ACT ESTABLISHING A SICK LEAVE BANK FOR TATIANA LARA-MELENDEZ, AN EMPLOYEE OF THE DEPARTMENT OF MENTAL RETARDATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of mental retardation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the department of mental retardation shall establish a sick leave bank for Tatiana Lara-Melendez, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Tatiana Lara-Melendez. Whenever Tatiana Lara-Melendez terminates employment with the department or requests to dissolve the sick leave bank, the balance of sick leave time shall be transferred to the extended illness leave bank.

Approved December 22, 2006.

Chapter 389. AN ACT ESTABLISHING A SICK LEAVE BANK FOR LORI MAZANEC, AN EMPLOYEE OF THE TRIAL COURT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately establish a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Lori Mazanec, an employee of the trial court. Any employee of said trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Lori Mazanec. Whenever Lori Mazanec terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.

Approved December 22, 2006.

Chapter 390. AN ACT RELATIVE TO THE TOWN MANAGER OF THE TOWN OF WESTON.

Be it enacted, etc., as follows:

Section 2 of chapter 80 of the acts of 2001 is hereby amended by striking out subsection (s) and inserting in place thereof the following 2 subsections:-

(s) Award and execute all contracts for designer services and construction of town buildings, including school buildings, consistent with provisions of the permanent building committee by-law.

(t) Perform any other duties consistent with his office as may be required by by-law or vote of the town or by a vote of the board of selectmen.

Approved December 22, 2006.

Chapter 391. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF CANTON.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elective office in the town of Canton may be recalled and removed from that office by registered voters of the town as herein provided in this act.

Any 250 qualified voters of the town may file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of re-

call. If, within 3 days after this submission, the affidavit is found by the town clerk to be sufficient and valid, and, if on that date the officer whose recall is sought has at least 6 months remaining of the term for which elected, the town clerk shall make available to the first 5 voters filing the affidavit a sufficient number of copies of petition blanks demanding the recall, copies of which shall be kept available. The blank petitions shall be issued by the town clerk with the clerk's signature and official seal attached to the petitions; they shall be dated and addressed to the board of selectmen, contain the names of the 5 persons first named on the affidavit, the number of blanks issued, the name of the person sought to be recalled, the grounds of recall as stated in the affidavit, and demand the election of a successor to the office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within 21 days after the certification of the affidavit. The petition, before being returned and filed shall be signed by at least 10 per cent of the voters in each precinct registered for the last regular town election. To every signature shall be added the place of residence of the signer, giving street name and number. The town clerk shall, within 72 hours after receipt, submit the petition to the registrars of voters of the town of Canton, and the registrars shall, within 14 days after submission of the petition to the registrars, certify on it the number of signatures that are names of registered voters of the town.

SECTION 2. If the petition shall be found and certified by the registrars to be sufficient, they shall submit it with their certificate to the selectmen without delay. The selectmen shall, within 14 days after submission of the certificate to them by the registrars, give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within 5 days after receipt of this notice, order an election to be held on a Tuesday fixed by them not less than 60 nor more than 90 days after the date of the registrars' certification that a sufficient petition has been filed, but if any other town election is to occur within 100 days after the date of certification, the selectmen shall postpone the holding of the recall election to the date of that other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

SECTION 3. Any officer sought to be recalled may be a candidate to succeed himself, and, unless the officer requests otherwise in writing, the town clerk shall place the officer's name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the election shall be in accordance with the law relating to elections, unless otherwise provided in this act.

SECTION 4. The incumbent officer shall continue to perform the duties of the office until the recall election. If then re-elected, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in section 6. If not re-elected in the recall election, the incumbent shall be considered removed upon the qualification of a successor, who shall hold office during the unexpired term. If the successor fails to qualify within 5 days after receiving notification of election, the incumbent

shall be considered removed and the office vacant.

SECTION 5. Ballots used in a recall election shall contain the following propositions in the order indicated:

- For the recall of (name of officer).
- Against the recall of (name of officer).

Under the propositions shall appear the word "Candidates" and the direction "Vote for One" and beneath this the names of the candidates. If a majority of the votes cast upon the question of recall is in the affirmative, ballots for the candidates shall then be counted. The candidate receiving the highest number of votes shall be declared elected if at least 30 per cent of those entitled to vote shall have voted. If a majority of votes on the question of recall is in the negative, the ballots for candidates need not be counted. If the incumbent receives the highest number of votes, the incumbent shall be considered elected. If a person other than the incumbent receives the highest number of votes, the incumbent shall be considered recalled; in this case the person receiving the highest number of votes shall, upon qualification, serve for the balance of the unexpired term.

SECTION 6. No recall petition may be filed against an officer within 6 months after that officer takes office. In the case of an officer subjected to a recall election and not recalled by that election, a subsequent recall petition shall not be filed against the officer until at least 6 months after the date of the previous recall election.

SECTION 7. No person who has been recalled from an office or who has resigned from office while recall procedures were pending against that person shall be appointed to any town office within 2 years after the removal by recall or resignation. Resignation at any time after a recall affidavit has been certified by the board of registrars as being valid shall be considered to be while recall proceedings were pending.

SECTION 8. Chapter 78 of the acts of 1982 is hereby repealed.

SECTION 9. This act shall take effect upon its passage.

Approved December 22, 2006.

Chapter 392. AN ACT RELATIVE TO CREDIT UNIONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 168 of the General Laws is hereby amended by inserting after section 34F the following section:—

Section 34G. A credit union as defined in section 1 of chapter 167 may convert into a savings bank in mutual form pursuant to section 80A of chapter 171.

SECTION 2. Chapter 170 of the General Laws is hereby amended by inserting after section 26G the following section:—

Section 26H. A credit union as defined in section 1 of chapter 167 may convert into a co-operative bank in mutual form pursuant to section 80A of chapter 171.

SECTION 3. Chapter 171 of the General Laws is hereby amended by inserting after section 80 the following section:—

Section 80A. (a) A credit union subject to this section may convert into a mutual savings bank governed by chapter 168, a mutual co-operative bank governed by chapter 170, a mutual federal savings bank or a mutual federal savings and loans association which exist under authority of the United States. The conversion shall comply with all applicable federal laws and regulations.

(b) A credit union shall file with the commissioner, at the same time, notices, disclosures and communications required by or sent to the National Credit Union Administration or a regional director. The commissioner may require changes and additions to notice, disclosure or communication, except as required by federal law or regulation.

(c) A credit union that is adequately capitalized and has received at least a satisfactory rating in its most recent examination for compliance with the Community Reinvestment Act may submit a plan of conversion approved by a ⅔ vote of the entire board of directors to the commissioner. Unless waived by the commissioner, the plan shall include but not be limited to:

(1) a 3 year business plan for the appropriate chartered bank which shall include pro forma financial statements for the mutual bank;

(2) a commitment by the converting credit union that it will not convert to a stock form before the expiration of 1 year of the effective date of the conversion to a mutual bank charter;

(3) an estimated budget for conversion expenses;

(4) financial statements for the most recently completed quarter;

(5) if applicable, the procedures and timing for termination of excess deposit insurance from the Massachusetts Credit Union Share Insurance Corporation; and

(6) other relevant information that the commissioner may reasonably require.

(d) Included with the plan shall be an information statement to be sent to members which shall fully and fairly disclose all significant terms and steps to be taken for the conversion and shall include but not be limited to:

(1) a statement as to why the board is considering the conversion;

(2) a statement of the major positive and negative business effects of the proposed conversion;

(3) the impact on the member's financial and other interests in the credit union;

(4) a disclosure that the conversion from a credit union to a mutual bank could lead to a member losing ownership interest in the credit union if the mutual bank subsequently converts to a stock institution and the member does not become a stockholder; and

(5) a disclosure of any conversion related economic benefit a director or senior management official may receive including receipt of or an increase in compensation and an

explanation of any foreseeable stock related benefits associated with a subsequent conversion to a stock institution; the explanation of stock related benefits shall include a comparison of the opportunities to acquire stock that are available to officials and employees, with those opportunities available to the general membership.

(e) A converting credit union shall file with the commissioner a plan of conversion and an information statement at least 120 days before the date of the proposed special meeting of the members. The commissioner may require reasonable changes to the plan of conversion and information statement. The commissioner may also require any equitable disclosure he determines applicable to the proposed conversion to a mutual bank transaction. The commissioner may specify the form, type and other material aspects of the plan of conversion and information statement to be sent to members, except to the extent that it does not conflict with federal law or regulation.

(f) The commissioner shall review the contents of the plan before the credit union board presents the conversion plan to the members for a vote. The commissioner shall authorize the distribution of the conversion plan and information statement only if the commissioner is satisfied of all of the following:

(1) the plan discloses to the members information concerning the advantages and disadvantages of the proposed conversion;

(2) the information statement discloses the impact on the member's financial and other interests in the credit union; and

(3) the conversion would not be made to circumvent a pending supervisory action that is initiated by the commissioner or other regulatory agency because of a concern over the safety and soundness of the credit union.

(g) The commissioner shall render a decision within 30 days from the date of the filing of the plan or any amendment thereof. Upon authorization by the commissioner of the distribution of the contents of the conversion plan and information statement, the credit union shall call a special meeting of the members to vote on the conversion plan. At least 30 days before the special meeting, the credit union shall mail to each member a notice of the special meeting, the conversion plan and information statement.

(h) The plan of conversion shall be approved by a majority vote of those members voting. A member may vote on the proposal to convert in person at the special meeting held on the date set for the vote or by written ballot filed by the member. The vote on the conversion proposal shall be by secret ballot and conducted by an independent entity. The independent entity shall be a company with experience in conducting corporate elections. A director or officer of the credit union, or an immediate family member of a director or officer, shall not have an ownership interest in, or be employed by, the entity.

(i) A credit union or an officer or director thereof shall not directly or indirectly give or offer or provide a chance to win a lottery or anything of substantial value, as determined by the commissioner, to the membership or a member of the credit union for an action related to the conversion to a mutual bank or as an inducement to vote on the plan of conversion.

(j) The provisions on notice to members and voting procedures in this section shall govern the process for converting to a mutual bank notwithstanding other provisions of this chapter or a by-law of the converting credit union to the contrary.

(k) Certified copies of the results of the board and membership meetings of the credit union shall be filed with the commissioner. The credit union shall also certify that the information statement, plan, and other written materials provided to members were identical to those materials considered satisfactory by the commissioner.

(l) If the commissioner disapproves of the methods by which the membership vote was taken or the procedures applicable to the vote, the commissioner may direct that a new vote be taken. If the commissioner does not disapprove of the methods by which the membership vote was taken within 10 days after the notification is given, the vote shall be considered approved.

(m) If the conversion to a mutual savings bank or a mutual co-operative bank is approved by the members and the commissioner receives notification from the converting credit union that approvals required under state and federal law and regulations, including approvals needed for deposit insurance by the Federal Deposit Insurance Corporation have been obtained, and that any waiting period prescribed by federal law has expired, or in the case of conversion to a mutual savings bank, it will become a member of the Depositors Insurance Fund and of the deposit insurance fund thereof and has made all applicable payments thereto as determined by the commissioner, or in the case of conversion to a mutual co-operative bank it shall become a member of The Co-operative Central Bank and of the share insurance fund thereof and has made all applicable payments thereto as determined by the commissioner, a certificate to transact business shall be issued by the commissioner as applicable. A conversion to a state chartered savings bank or a state chartered co-operative bank under this section shall not be consummated until arrangements satisfactory to the Depositors Insurance Fund or The Co-operative Central Bank have been made and notice thereof has been received by the commissioner. After receipt of the certificate to transact business, the converting credit union shall promptly file the certificate and its articles of organization with the secretary of state. Upon the filing, the charter of the converting credit union shall automatically cease and the converting credit union shall cease to be a credit union and shall become a mutual savings bank or a mutual co-operative bank. Upon the conversion, the converted mutual bank shall possess all of the rights, privileges and powers granted to it by its articles of organization and by the laws applicable to the type of mutual bank charter into which it converted, and all of the assets and business of the converting credit union shall be transferred to and vested in it without any deed or instrument of conveyance; but the converting credit union may execute a deed or instrument of conveyance as is convenient to confirm the transfer. The converted mutual bank shall be subject to all of the duties, relations, obligations and liabilities of the converting credit union, whether as debtor, depository or otherwise, and shall be liable to pay and discharge the debts and liabilities, to perform all the duties in the same manner and to the same extent as if the converted mutual bank had itself incurred the obligation or liability or assumed the duty or

relation. Rights of credits of the converting credit union and liens upon the property of such credit union shall be preserved unimpaired and the converted mutual bank shall be entitled to receive, accept, collect, hold and enjoy all gifts, bequests, devises, conveyances and appointments in favor of or in the name of the converting credit union and whether made or created to take effect before or after the conversion.

(n) If the conversion to a mutual federal savings bank or a mutual federal savings and loan association is approved by the members the converting credit union shall provide notification to the commissioner that all approvals under state and federal law and regulations including approvals needed for deposit insurance by the Federal Deposit Insurance Corporation have been obtained and that any waiting period prescribed by federal law has expired and shall provide a certified copy of the approval of the federal mutual charter by the Office of Thrift Supervision or any successor agency thereto. Upon acceptance of the federal charter, the converting credit union's charter from the commonwealth shall cease to exist.

(o) A person who willfully violates the disclosure provisions of this section knowing the disclosure made to be false or misleading in a material respect shall upon conviction be fined not more than $5,000 or imprisoned not more than 3 years, or both.

Approved December 22, 2006.

Chapter 393. AN ACT REGULATING EXEMPTIONS FOR COOPERATIVE CORPORATIONS UNDER THE COMMUNITY PRESERVATION ACT.

Be it enacted, etc., as follows:

Section 3 of chapter 44B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following subsection:-

(i) With respect to real property owned by a cooperative corporation, as defined in section 4 of chapter 157B, that portion which is occupied by a member under a proprietary lease as the member's domicile shall be considered real property owned by that member for the purposes of exemptions provided under this section. The member's portion of the real estate shall be represented by the member's share or shares of stock in the cooperative corporation, and the percentage of that portion to the whole shall be determined by the percentage of the member's shares to the total outstanding stock of the corporation, including shares owned by the corporation. This portion of the real property shall be eligible for any exemption provided in this section if the member meets all requirements for the exemption. Any exemption so provided shall reduce the taxable valuation of the real property owned by the cooperative corporation, and the reduction in taxes realized by this exemption shall be credited by the cooperative corporation against the amount of the taxes otherwise payable by or chargeable to the member. Nothing in this subsection shall be construed to affect the tax

status of any manufactured home or mobile home under this chapter, but this subsection shall apply to the land on which the manufactured home or mobile home is located if all other requirements of this clause are met. This subsection shall take effect in a city or town upon its acceptance by the city or town.

Approved December 22, 2006.

Chapter 394. AN ACT RELATIVE TO THE TAXATION OF FOREST, FARM, AND RECREATION LAND.

Be it enacted, etc., as follows:

SECTION 1. The definition of "class two, open-space" of subsection (b) of section 2A of chapter 59 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following sentence:- In a city or town that has elected to adopt section 2A of chapter 61, section 4A of chapter 61A or section 2A of chapter 61B, class two, open-space shall include land taxable under chapter 61, 61A or 61B.

SECTION 2. Section 1 of chapter 61 of the General Laws, as so appearing, is hereby amended by striking out the definition of "Forest land," and inserting in place thereof the following definition:-

"Forest land", land devoted to the growth of forest products. Upon application, the state forester may allow accessory land devoted to other non-timber uses to be included in certification.

SECTION 3. Said section 1 of said chapter 61, as so appearing, is hereby further amended by striking out the definition of "Forest products" and inserting in place thereof the following definition:-

"Forest products", wood, timber, Christmas trees, other tree forest growth and any other product produced by forest vegetation.

SECTION 4. Said section 1 of said chapter 61, as so appearing, is hereby further amended by striking out the definition of "Owner" and inserting in place thereof the following definition:-

"Owner", person, persons, or another legal entity holding title to a parcel of forest land.

SECTION 5. Said section 1 of said chapter 61, as so appearing, is hereby further amended by striking out the definition of "Parcel" and inserting in place thereof the following definition:-

"Parcel", land held by the same owner under a deed of title which has no encumbrance incompatible with this chapter.

SECTION 6. Said section 1 of said chapter 61, as so appearing, is hereby further amended by striking out the definition of "Stumpage value".

SECTION 7. Section 2 of said chapter 61, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following 2 paragraphs:-

Except as otherwise herein provided, all forest land, parcels of not less than 10 contiguous acres in area, used for forest production shall be classified by the assessors as forest land upon written application sufficient for identification and certification by the state forester. Such application shall be accompanied by a forest management plan. The state forester will have sole responsibility for review and certification with regard to forest land and forest production.

The rate of tax applicable to certified forest land shall be the rate determined to be applicable to class three, commercial property under chapter 59.

SECTION 8. The third paragraph of said section 2 of said chapter 61, as so appearing, is hereby amended by striking out the second sentence.

SECTION 9. Said section 2 of said chapter 61, as so appearing, is hereby further amended by striking out, in line 41, the word "September" and inserting in place thereof the following word:- October.

SECTION 10. The fifth paragraph of said section 2 of said chapter 61, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Classification shall take effect on January first of the year following certification and taxation under this chapter and shall commence with the fiscal year beginning after said January first.

SECTION 11. Said section 2 of said chapter 61, as so appearing, is hereby further amended by striking out the sixth paragraph.

SECTION 12. Said chapter 61 is hereby further amended by inserting after section 2 the following section:-

Section 2A. In a city or town that accepts this section, the rate of tax applicable to certified forest land shall be the rate determined to be applicable to class two, open space.

SECTION 13. Said chapter 61 is hereby further amended by striking out section 3, as appearing in the 2004 Official Edition, and inserting in place thereof the following section:-

Section 3. For general property tax purposes, the value of land that is actively devoted to forest production use during the tax year in issue and has not been used for purposes incompatible with forest production in the 2 immediately preceding tax years, shall, upon application of the owner of that land and approval of that application, be the value that the land has for forest production purposes.

The board of assessors of a city or town, in valuing land with respect to which timely application has been made and approved as provided in this chapter, shall consider only those indicia of value which the land has for forest production. The board, in establishing the use value of land, shall use the list of ranges published under section 11 of chapter 61A and its personal knowledge, judgment and experience as to forest land values, but these factors shall be limited to data specific to forest production.

The land tax shall be committed to the collector for collection in the same manner as taxes assessed under chapter 59. The collector shall notify the person assessed of the amount of the tax in the manner provided in section 3 of chapter 60. For the collection of taxes under this chapter the collector shall have all the remedies provided by chapter 60. Taxes so assessed shall be due and payable on October first of the year in which the return is required to be made, and, if not paid on or before November first of the year of assessment, or within 30 days after notification of the taxes if the notice is given after October first, shall bear interest at the rate as provided in section 57 of chapter 59. Any person aggrieved by the assessment of a tax under this section may, within 30 days after the date of notice of the tax, apply in writing to the assessors upon a form approved by the commissioner of revenue for abatement of that tax, and if the assessors, after hearing, find that the tax is excessive, they shall abate it in whole or in part. If the tax has been paid, the town treasurer shall repay to the person assessed the amount of the abatement with interest on that amount at the current rate provided in section 69 of said chapter 59. Any person aggrieved by the refusal of the assessors to abate a tax in whole or in part or by their failure to act upon an application may appeal to the appellate tax board within 30 days after the date of notice of decision of the assessors or within 3 months after the date of the application for abatement, whichever date is later. Any overpayment of tax determined by decision of the appellate tax board shall be reimbursed by the town treasurer with interest at the current rate as provided in said section 69.

SECTION 14. Said chapter 61 is hereby further amended by striking out section 4, as so appearing, and inserting in place thereof the following section:-

Section 4. All buildings located on land which is valued, assessed and taxed on the basis of its forest production use in accordance with this chapter and all land occupied by a dwelling or regularly used for family living shall be valued, assessed and taxed by the same standards, methods and procedures as other taxable property.

SECTION 15. Said chapter 61 is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section:-

Section 5. Land qualifying for valuation, assessment and taxation under this chapter shall be subject to special assessments or betterment assessments to the pro rata extent that the service or facility financed by the assessment is used for improving the forest production use capability of the land or for the personal benefit of the owner of the land. These assessments shall, upon application, be suspended during the time the land is in forest production use and shall become due and payable as of the date when the use of the land is changed. Payment of the assessment and interest on it shall be made in accordance with section 13 of chapter 80, but interest shall be computed from the date of the change in use. In the event only a portion of a tract of land which benefits from a suspension of payment is changed from this use, the assessment shall become due and payable as of the date when the use was changed only to the extent of and in the proportion that the frontage of that portion bears to the street frontage of the entire tract of land which originally benefited from a suspension of

payment. Upon receipt of full payment of a portion of a suspended assessment, the tax collector shall dissolve the lien for the assessment insofar as it affects the portion of the land changed from forest production use. The lien for the portion of the original assessment which remains unpaid shall continue and remain in full force and effect until dissolved in accordance with law. A request for a release shall be made in writing to the tax collector and shall be accompanied by a plan and any other information that is required in the case of a request for a division of an assessment under section 4.

SECTION 16. Said chapter 61 is hereby further amended by striking out section 6, as so appearing, and inserting in place thereof the following section:-

Section 6. Any land in forest production use which is valued, assessed and taxed under this chapter, if sold for other use within a period of 10 years after the date of its acquisition or after the earliest date of its uninterrupted use by the current owner in forest production, whichever is earlier, shall be subject to a conveyance tax applicable to the total sales price of that land, which tax shall be in addition to taxes that may be imposed under any other law. Notwithstanding the previous sentence, no conveyance tax shall be assessed if the land involved, or a lesser interest in that land, is acquired for a natural resource purpose by the city or town in which it is situated, by the commonwealth or by a nonprofit conservation organization, but if any portion of the land is sold or converted to commercial, residential or industrial use within 5 years after acquisition by a nonprofit conservation organization, the conveyance tax shall be assessed against the nonprofit conservation organization in the amount that would have been assessed at the time of acquisition of the subject parcel by the nonprofit conservation organization had such transaction been subject to a conveyance tax. The conveyance tax shall be assessed on only that portion of land whose use has changed. The conveyance tax shall be at the following rate: 10 per cent if sold within the first year of ownership; 9 per cent if sold within the second year of ownership; 8 per cent if sold within the third year of ownership; 7 per cent if sold within the fourth year of ownership; 6 per cent if sold within the fifth year of ownership; 5 per cent if sold within the sixth year of ownership; 4 per cent if sold within the seventh year of ownership; 3 per cent if sold within the eighth year of ownership; 2 per cent if sold within the ninth year of ownership; and 1 per cent if sold within the tenth year of ownership. No conveyance tax shall be imposed under this section after the end of the tenth year of ownership. The conveyance tax shall be due and payable by the grantor at the time of transfer of the property by deed or other instrument of conveyance and shall be payable to the tax collector of the city or town in which the property is entered upon the tax list, but in the case of taking by eminent domain, the value of the property taken shall be determined in accordance with chapter 79, and the amount of conveyance tax, if any, shall be added as an added value. If there is filed with the board of assessors an affidavit by the purchaser that the land is being purchased for forest production use, no conveyance tax shall be payable by the seller by reasons of the sale, but if the land is not in fact continued in this use for at least 5 consecutive years, the purchaser shall be liable for any conveyance tax that would have been payable on the sale as a sale for other use.

The conveyance tax shall be assessed on only that portion of land for which the use has changed.

Except with respect to eminent domain takings, this section shall not be applicable to the following: mortgage deeds; deeds to or by the city or town in which the land is located; deeds which correct, modify, supplement or confirm a deed previously recorded; deeds between husband and wife and parent and child when no consideration is received; tax deeds; deeds releasing any property which is a security for a debt or other obligation; deeds for division of property between owners without monetary consideration; foreclosures of mortgages and conveyances by the foreclosing parties; deeds made under a merger of a corporation or by a subsidiary corporation to its parent corporation for no consideration other than the cancellation and surrender of capital stock of the subsidiary which do not change beneficial ownership; and property transferred by devise or otherwise as a result of death.

A nonexempt transfer after any exempt transfer or transfers shall be subject to this section. Upon the nonexempt transfer, the date of acquisition by the grantor, for purposes of this section, shall be considered to be the date of the last preceding transfer not excluded by the foregoing provisions from application of this section, but in the case of transfer by a grantor who has acquired the property from a foreclosing mortgagee, the date of acquisition shall be considered to be the date of the acquisition. Any land in forest production use which is valued, assessed and taxed under this chapter, if changed by the owner of the land to another use within a period of 10 years after the date of its acquisition by that owner, shall be subject to the conveyance tax applicable under this section at the time of the change in use as if there had been an actual conveyance, and the value of the land for the purpose of determining a total sales price shall be fair market value as determined by the board of assessors of the city or town involved for all other property.

If any tax imposed under this section should not be paid, the collector of taxes shall have the same powers and be subject to the same duties with respect to these taxes as in the case of the annual taxes upon real estate, and the law in regard to the collection of the annual taxes, the sale of land for the nonpayment of taxes and redemption shall apply to these taxes.

No conveyance tax imposed by this section will be assessed on land that is considered to be in agricultural use under sections 1 and 3 of chapter 61A, in horticultural use under sections 2 and 3 of said chapter 61A or recreational land under section 1 of chapter 61B.

SECTION 17. Said chapter 61 is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. Whenever land which is valued, assessed and taxed under this chapter no longer meets the definition of forest land, it shall be subject to additional taxes, in this section called roll-back taxes, in the tax year in which it is disqualified and in each of the 4 immediately preceding tax years in which the land was so valued, assessed and taxed, but these roll-back taxes shall not apply unless the amount of the taxes, as computed under this section, exceeds the amount, imposed under section 6 and, in that case, the land shall not be subject to the conveyance tax imposed under said section 6. For each tax year, the roll-back

tax shall be an amount equal to the difference, if any, between the taxes paid or payable for that tax year in accordance with this chapter and the taxes that would have been paid or payable in that tax year had the land been valued, assessed and taxed without regard to these provisions.

If, at the time during a tax year when a change in land use has occurred, the land is not valued, assessed and taxed under this chapter, then the land shall be subject to roll-back taxes only for those years of the 5 immediately preceding years in which the land was valued, assessed and taxed under this chapter.

In determining the amount of roll-back taxes on land which has undergone a change in use, the board of assessors shall ascertain the following for each of the roll-back tax years involved:-

(a) the full and fair value of the land under the valuation standard applicable to other land in the city or town;

(b) the amount of the land assessment for the particular tax year;

(c) the amount of the additional assessment on the land for the particular tax year by deducting the amount of the actual assessment on the land for that year from the amount of the land assessment determined under subsection (a); and

(d) the amount of the roll-back tax for that tax year by multiplying the amount of the additional assessment determined under subsection (c) by the general property tax rate of the city or town applicable for that tax year.

Roll-back taxes will be subject to simple interest at a rate of 5 per cent per annum. If the board of assessors determines that the total amount of roll-back taxes to be assessed under this section, before the addition of any interest, as provided for in the preceding paragraph, would be less than $10, no tax shall be assessed.

No roll-back tax imposed by this section will be assessed on land that meets the definition of land in agricultural use under sections 1 and 3 of chapter 61A or the definition of land in horticultural use under sections 2 and 3 of said chapter 61A or the definition of recreational land under section 1 of chapter 61B.

Land retained as open space as required for the mitigation of a development shall be subject to the roll-back taxes imposed by this section.

SECTION 18. Said chapter 61 is hereby amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. Land taxed under this chapter shall not be sold for, or converted to, residential, industrial or commercial use while so taxed or within 1 year after that time unless the city or town in which the land is located has been notified of the intent to sell for, or to convert to, that other use.

The discontinuance of forest certification shall not, in itself, for the purposes of this section, be considered a conversion. Specific use of land for a residence for the owner, the owner's spouse or a parent, grandparent, child, grandchild, or brother or sister of the owner, or surviving husband or wife of any deceased such relative, or for living quarters for any persons actively employed full-time in the forest use of that land, shall not be a conversion

for the purposes of this section, and a certificate of the board of assessors, recorded with the registry of deeds, shall conclusively establish that particular use.

Any notice of intent to sell for other use shall be accompanied by a statement of intent to sell, a statement of proposed use of the land, the location and acreage of land as shown on a map drawn at the scale of the assessors map in the city or town in which the land is situated, and the name, address and telephone number of the landowner.

Any notice of intent to sell for other use shall be accompanied by a certified copy of an executed purchase and sale agreement specifying the purchase price and all terms and conditions of the proposed sale, which is limited to only the property classified under this chapter, and which shall be a bona fide offer as described below.

Any notice of intent to sell for other use shall also be accompanied by any additional agreements or a statement of any additional consideration for any contiguous land under the same ownership, and not classified under this chapter, but sold or to be sold contemporaneously with the proposed sale.

For the purposes of this chapter, a bona fide offer to purchase shall mean a good faith offer, not dependent upon potential changes to current zoning or conditions or contingencies relating to the potential for, or the potential extent of, subdivision of the property for residential use or the potential for, or the potential extent of development of the property for industrial or commercial use, made by a party unaffiliated with the landowner for a fixed consideration payable upon delivery of the deed.

Any notice of intent to convert to other use shall be accompanied by a statement of intent to convert, a statement of proposed use of the land, the location and acreage of land as shown on a map drawn at the scale of the assessors map in the city or town in which the land is situated, the name, address and telephone number of the landowner and the landowner's attorney, if any.

The notice of intent to sell or convert shall be sent by the landowner, by certified mail or hand-delivered, to the mayor and city council of a city, or board of selectmen of a town, and in the case of either a city or a town, to its board of assessors, to its planning board and conservation commission, if any, and to the state forester.

A notarized affidavit that the landowner has mailed or delivered a notice of intent to sell or convert shall be conclusive evidence that the landowner has mailed the notice in the manner and at the time specified. Each affidavit shall have attached to it a copy of the notice of intent to which it relates.

The notice of intent to sell or convert shall be considered to have been duly mailed if addressed to the mayor and city council or board of selectmen in care of the city or town clerk; to the planning board and conservation commission if addressed to them directly; to the state forester if addressed to the commissioner of the department of conservation and recreation and to the assessors if addressed to them directly.

If the notice of intent to sell or convert does not contain all of the material as described above, then the town or city, within 30 days after receipt, shall notify the landowner in writing that the notice is insufficient and does not comply.

For a period of 120 days after the day following the latest date of deposit in the United States mail of any notice which complies with this section, the city or town shall have, in the case of intended sale, a first refusal option to meet a bona fide offer to purchase the land.

In the case of intended or determined conversion not involving sale, the municipality shall have an option to purchase the land at full and fair market value to be determined by an impartial appraisal performed by a certified appraiser hired at the expense of the municipality or its assignee, the original appraisal to be completed and delivered to the landowner within 30 days after the notice of conversion to the municipality. In the event that the landowner is dissatisfied with the original appraisal, the landowner may, at the landowner's expense, contract for a second appraisal, the second appraisal to be completed within 60 days after the delivery of the notice to convert. If, after completion of the second appraisal, the parties cannot agree on a consideration, the parties shall contract with a mutually acceptable appraiser for a third appraisal whose cost will be borne equally by both parties. The third appraisal shall be delivered to both parties within 90 days after the notice of conversion to the municipality and shall be the final determination of consideration. Upon agreement of a consideration, the city or town shall then have 120 days to exercise its option. During the appraisal process, the landowner may revoke the intent to convert at any time and with no recourse to either party.

This option may be exercised only after a public hearing followed by written notice signed by the mayor or board of selectmen, mailed to the landowner by certified mail at such address as may be specified in the notice of intent. Notice of the public hearing shall be given in accordance with section 23B of chapter 39.

The notice of exercise shall also be recorded at the registry of deeds and shall contain the name of the record owner of the land and description of the premises adequate for identification of it.

The notice to the landowner of the city or town's election to exercise its option shall be accompanied by a proposed purchase and sale contract or other agreement between the city or town and the landowner which, if executed, shall be fulfilled within a period of not more than 90 days after the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the mayor or board of selectmen, or upon expiration of any extended period the landowner has agreed to in writing, whichever is later.

At the public hearing or a further public hearing, the city or town may assign its option to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions under terms and conditions that the mayor or board of selectmen may consider appropriate. Notice of the public hearing shall be given in accordance with section 23B of chapter 39.

The assignment shall be for the purpose of maintaining no less than 70 per cent of the land in use as forest land as defined in section 1 of this chapter, as agricultural and horticultural land as defined in sections 1 and 2 of chapter 61A or as recreation land as defined in section 1 of chapter 61B, and in no case shall the assignee develop a greater proportion

of the land than was proposed by the developer whose offer gave rise to the assignment. All land other than land that is to be developed shall then be bound by a permanent deed restriction that meets the requirements of chapter 184.

If the first refusal option has been assigned to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions as provided in this section, the mayor or board of selectmen shall provide written notice of assignment to the landowner.

The notice of assignment shall state the name and address of the organization or agency of the commonwealth which will exercise the option in addition to the terms and conditions of the assignment. The notice of assignment shall be recorded with the registry of deeds.

Failure to record either the notice of exercise or the notice of assignment within the 120 day period shall be conclusive evidence that the city or town has not exercised its option.

If the option has been assigned to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions, the option may be exercised by the assignee only by written notice to the landowner signed by the assignee, mailed to the landowner by certified mail at the address that is specified in the notice of intent. The notice of exercise shall also be recorded with the registry of deeds and shall contain the name of the record owner of the land and description of the premises adequate for identification of them.

The notice of exercise to the landowner shall be accompanied by a proposed purchase and sale contract or other agreement between the assignee and landowner which, if executed, shall be fulfilled within a period of not more than 90 days, or upon expiration of any extended period the landowner has agreed to in writing, from the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the assignee.

During the 120 day period, the city or town or its assignees, shall have the right, at reasonable times and upon reasonable notice, to enter upon said land for the purpose of surveying and inspecting said land, including but not limited to soil testing for purposes of Title V and the taking of water samples.

The city or town or its assignee shall have all rights assigned to the buyer in the purchase and sales agreement contained in the notice of intent.

If the city or town elects not to exercise the option, and not to assign its right to exercise the option, the city or town shall send written notice of non-exercise signed by the mayor or board of selectmen to the landowner by certified mail at the address that is specified in the notice of intent. The notice of non-exercise shall contain the name of the owner of record of the land and description of the premises adequate for identification of them, and shall be recorded with the registry of deeds.

No sale or conversion of the land shall be consummated until the option period has expired or the notice of non-exercise has been recorded with the registry of deeds, and no sale of the land shall be consummated if the terms of the sale differ in any material way from the terms of the purchase and sale agreement which accompanied the bona fide offer to purchase as described in the notice of intent to sell except as provided in this section.

This section shall not apply to a mortgage foreclosure sale, but the holder of a mortgage shall, at least 90 days before a foreclosure sale, send written notice of the time and place of the sale to the parties in the manner described in this section for notice of intent to sell or convert, and the giving of this notice may be established by an affidavit as described in this section.

SECTION 19. Chapter 61A of the General Laws is hereby amended by striking out section 2, as so appearing, and inserting in place thereof the following section:-

Section 2. Land shall be considered to be in horticultural use when primarily and directly used in raising fruits, vegetables, berries, nuts and other foods for human consumption, feed for animals, tobacco, flower, sod, trees, nursery or greenhouse products, and ornamental plants and shrubs for the purpose of selling these products in the regular course of business; or when primarily and directly used in raising forest products under a certified forest management plan, approved by and subject to procedures established by the state forester, designed to improve the quantity and quality of a continuous crop for the purpose of selling these products in the regular course of business; or when primarily and directly used in a related manner which is incidental to those uses and represents a customary and necessary use in raising these products and preparing them for market.

SECTION 20. Said chapter 61A is hereby further amended by inserting after section 4 the following section:-

Section 4A. In a city or town that accepts this section, the rate of tax applicable to land actively devoted to agricultural, horticultural or agricultural and horticultural uses shall be the rate determined to be applicable to class two, open space.

SECTION 21. Section 7 of said chapter 61A, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 3, the words "December thirty-first" and inserting in place thereof the following words:- June thirtieth.

SECTION 22. Section 10 of said chapter 61A, as so appearing, is hereby amended by inserting after the word "values", in line 8, the following words:- but these factors shall be limited to data specific to the crop or product being grown or produced.

SECTION 23. Section 11 of said chapter 61A, as so appearing, is hereby amended by inserting after the word "agriculture", in line 3, the following words:- , commissioner of the department of conservation and recreation.

SECTION 24. Said section 11 of said chapter 61A, as so appearing, is hereby further amended by inserting after the word "horticultural", in line 11, the following words:- or forest land.

SECTION 25. Said section 11 of said chapter 61A, as so appearing, is hereby further amended by striking out, in line 21, the words "from the agricultural purposes fund" and inserting in place thereof the following words:- for the farmland valuation advisory commission.

SECTION 26. Section 12 of said chapter 61A, as so appearing, is hereby amended

by inserting after the second sentence the following 2 sentences:- Notwithstanding the previous sentence, no conveyance tax shall be assessed if the land involved, or a lesser interest in that land, is acquired for a natural resource purpose by the city or town in which it is situated, by the commonwealth or by a nonprofit conservation organization, but if any portion of the land is sold or converted to commercial, residential or industrial use within 5 years after acquisition by a nonprofit conservation organization, the conveyance tax shall be assessed against the nonprofit conservation organization in the amount that would have been assessed at the time of acquisition of the subject parcel by the nonprofit conservation organization had that transaction been subject to a conveyance tax. The conveyance tax shall be assessed on only that portion of land on which the use has changed.

SECTION 27. Said section 12 of said chapter 61A, as so appearing, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following 4 sentences:- Said conveyance tax shall be due and payable by the grantor at the time of transfer of the property by deed or other instrument of conveyance and shall be payable to the tax collector of the city or town in which the property is entered upon the tax list. In the case of taking by eminent domain, the value of the property taken shall be determined in accordance with chapter 79, and the amount of conveyance tax, if any, shall be added to that amount as an added value. If there is filed with the board of assessors an affidavit by the purchaser that the land is being purchased for agricultural, horticultural or agricultural and horticultural use, no conveyance tax shall be payable by the seller by reason of the sale, but if the land is not continued in that use for at least 5 consecutive years, the purchaser shall be liable for any conveyance tax that would have been payable on the sale as a sale for other use. The conveyance tax shall be assessed on only that portion of land whose use has changed.

SECTION 28. Section 12 of said chapter 61A, as so appearing, is hereby further amended by adding the following paragraph:-

No conveyance tax will be assessed on land that meets the definition of forest land under section 1 of chapter 61 or the definition of recreational land under section 1 of chapter 61B.

SECTION 29. Section 13 of said chapter 61A, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following 2 sentences:- Whenever land which is valued, assessed and taxed under this chapter no longer meets the definition of land actively devoted to agricultural, horticultural or agricultural and horticultural use, it shall be subject to additional taxes, in this section called roll-back taxes, in the current tax year in which it is disqualified and in those years of the 4 immediately preceding tax years in which the land was so valued, assessed and taxed, but roll-back taxes shall not apply unless the amount of those taxes as computed under this section, exceeds the amount, if any, imposed under section 12 and, in that case, the land shall not be subject to the conveyance tax imposed under said section 12. For each tax year, the roll-back tax shall be an amount equal to the difference, if any, between the taxes paid or payable for that tax

year in accordance with this chapter and the taxes that would have been paid or payable in that tax year had the land been valued, assessed and taxed without regard to those provisions.

SECTION 30. Said section 13 of said chapter 61A, as so appearing, is hereby further amended by adding the following 4 paragraphs:-

Roll-back taxes will be subject to a simple interest rate of 5 per cent per annum. Land which is valued, assessed and taxed under this chapter as of July 1, 2006 shall be exempt from any interest if it remains in the same ownership as it was on that date or under the ownership of the original owner's spouse, parent, grandparent, child, grandchild, brother, sister or surviving spouse of any deceased such relative.

If the board of assessors determines that the total amount of roll-back taxes to be assessed under this section, before the addition of any interest, as provided for in the preceding paragraph, would be less than $10, no tax shall be assessed.

No roll-back tax imposed by this section will be assessed on land that meets the definition of forest land under section 1 of chapter 61 or recreational land under section 1 of chapter 61B.

Land retained as open space as required for the mitigation of development shall be subject to the roll-back taxes imposed by this section.

SECTION 31. Said chapter 61A is hereby further amended by striking out section 14, as so appearing, and inserting in place thereof the following section:-

Section 14. Land taxed under this chapter shall not be sold for, or converted to, residential, industrial or commercial use while so taxed or within 1 year after that time unless the city or town in which the land is located has been notified of the intent to sell for, or to convert to, that other use.

The discontinuance of forest certification shall not, in itself, for the purposes of this section, be considered a conversion. Specific use of land for a residence for the owner, the owner's spouse or a parent, grandparent, child, grandchild, or brother or sister of the owner, or surviving husband or wife of any deceased such relative, or for living quarters for any persons actively employed full-time in the forest use of land, shall not be a conversion for the purposes of this section, and a certificate of the board of assessors, recorded with the registry of deeds, shall conclusively establish that particular use.

Any notice of intent to sell for other use shall be accompanied by a statement of intent to sell, a statement of proposed use of the land, the location and acreage of land as shown on a map drawn at the scale of the assessors map in the city or town in which the land is situated, and the name, address and telephone number of the landowner.

Any notice of intent to sell for other use shall be accompanied by a certified copy of an executed purchase and sale agreement specifying the purchase price and all terms and conditions of the proposed sale, which is limited to only the property classified under this chapter, and which shall be a bona fide offer as described below.

Any notice of intent to sell for other use shall also be accompanied by any additional agreements or a statement of any additional consideration for any contiguous land under the

same ownership, and not classified under this chapter, but sold or to be sold contemporaneously with the proposed sale.

For the purposes of this chapter, a bona fide offer to purchase shall mean a good faith offer, not dependent upon potential changes to current zoning or conditions or contingencies relating to the potential for, or the potential extent of, subdivision of the property for residential use or the potential for, or the potential extent of development of the property for industrial or commercial use, made by a party unaffiliated with the landowner for a fixed consideration payable upon delivery of the deed.

Any notice of intent to convert to other use shall be accompanied by a statement of intent to convert, a statement of proposed use of the land, the location and acreage of land as shown on a map drawn at the scale of the assessors map in the city or town in which the land is situated, the name, address and telephone number of the landowner and the landowner's attorney, if any.

The notice of intent to sell or convert shall be sent by the landowner by certified mail or hand delivered to the mayor and city council of a city, or board of selectmen of a town, and in the case of either a city or a town, to its board of assessors, to its planning board and conservation commission, if any, and to the state forester.

A notarized affidavit that the landowner has mailed or delivered a notice of intent to sell or convert shall be conclusive evidence that the landowner has mailed the notice in the manner and at the time specified. Each affidavit shall have attached to it a copy of the notice of intent to which it relates.

The notice of intent to sell or convert shall be considered to have been duly mailed if addressed to the mayor and city council or board of selectmen in care of the city or town clerk; to the planning board and conservation commission if addressed to them directly; to the state forester if addressed to the commissioner of the department of conservation and recreation; and to the assessors if addressed to them directly.

If the notice of intent to sell or convert does not contain all of the material described above, then the town or city, within 30 days after receipt, shall notify the landowner in writing that notice is insufficient and does not comply.

For a period of 120 days after the day following the latest date of deposit in the United States mail of any notice which complies with this section, the city or town shall have, in the case of intended sale, a first refusal option to meet a bona fide offer to purchase the land.

In the case of intended or determined conversion not involving sale, the municipality shall have an option to purchase the land at full and fair market value to be determined by an impartial appraisal performed by a certified appraiser hired at the expense of the municipality or its assignee, the original appraisal to be completed and delivered to the landowner within 30 days after the notice of conversion to the municipality. In the event that the landowner is dissatisfied with the original appraisal, the landowner may, at the landowner's expense, contract for a second appraisal, to be completed within 60 days after

the delivery of the notice to convert. If, after completion of the second appraisal, the parties cannot agree on a consideration, the parties will contract with a mutually acceptable appraiser for a third appraisal whose cost will be borne equally by both parties. The third appraisal shall be delivered to both parties within 90 days after the notice of conversion to the municipality and shall be the final determination of consideration. Upon agreement of a consideration, the city or town shall then have 120 days to exercise its option. During the appraisal process, the landowner may revoke the intent to convert at any time and with no recourse to either party.

The option may be exercised only after a public hearing followed by written notice signed by the mayor or board of selectmen, mailed to the landowner by certified mail at the address that is specified in the notice of intent. Notice of public hearing shall be given in accordance with section 23B of chapter 39.

The notice of exercise shall also be recorded at the registry of deeds and shall contain the name of the record owner of the land and description of the premises adequate for identification of them.

The notice to the landowner of the city or town's election to exercise its option shall be accompanied by a proposed purchase and sale contract or other agreement between the city or town and the landowner which, if executed, shall be fulfilled within a period of not more than 90 days after the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the mayor or board of selectmen, or upon expiration of any extended period that the landowner has agreed to in writing, whichever is later.

At the public hearing or a further public hearing, the city or town may assign its option to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions under the terms and conditions that the mayor or board of selectmen may consider appropriate. Notice of public hearing shall be given in accordance with section 23B of chapter 39.

The assignment shall be for the purpose of maintaining no less than 70 per cent of the land in use as forest land as defined in section 1, as agricultural and horticultural land as defined in sections 1 and 2 of chapter 61A or as recreation land as defined in section 1 of chapter 61B, and in no case shall the assignee develop a greater proportion of the land than was proposed by the developer whose offer gave rise to the assignment. All land other than land that is to be developed shall then be bound by a permanent deed restriction that meets the requirements of chapter 184.

If the first refusal option has been assigned to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions as provided in this section, the mayor or board of selectmen shall provide written notice of assignment to the landowner.

The notice of assignment shall state the name and address of the organization or agency of the commonwealth which will exercise the option in addition to the terms and conditions of the assignment. The notice of assignment shall be recorded with the registry of deeds.

Failure to record either the notice of exercise or the notice of assignment within the 120 day period shall be conclusive evidence that the city or town has not exercised its option.

If the option has been assigned to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions, the option may be exercised by the assignee only by written notice to the landowner signed by the assignee, mailed to the landowner by certified mail at the address that is specified in the notice of intent. The notice of exercise shall also be recorded with the registry of deeds and shall contain the name of the record owner of the land and description of the premises adequate for identification of them.

The notice of exercise to the landowner shall be accompanied by a proposed purchase and sale contract or other agreement between the assignee and landowner which, if executed, shall be fulfilled within a period of not more than 90 days, or upon expiration of any extended period the landowner has agreed to in writing, from the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the assignee.

During the 120 day period, the city or town or its assignees, shall have the right, at reasonable times and upon reasonable notice, to enter upon the land for the purpose of surveying and inspecting the land, including, but not limited to, soil testing for purposes of Title V and the taking of water samples.

The city or town or its assignee shall have all rights assigned to the buyer in the purchase and sale agreement contained in the notice of intent.

If the city or town elects not to exercise the option, and not to assign its right to exercise the option, the city or town shall send written notice of nonexercise, signed by the mayor or board of selectmen, to the landowner by certified mail at the address that is specified in the notice of intent. The notice of nonexercise shall contain the name of the owner of record of the land and description of the premises adequate for identification of them and shall be recorded with the registry of deeds.

No sale or conversion of the land shall be consummated until the option period has expired or the notice of nonexercise has been recorded with the registry of deeds, and no sale of the land shall be consummated if the terms of the sale differ in any material way from the terms of the purchase and sale agreement which accompanied the bona fide offer to purchase as described in the notice of intent to sell except as provided in this section.

This section shall not apply to a mortgage foreclosure sale, but the holder of a mortgage shall, at least 90 days before a foreclosure sale, send written notice of the time and place of the sale to the parties in the manner described in this section for notice of intent to sell or convert, and the giving of notice may be established by an affidavit as described in this section.

SECTION 32. Section 16 of said chapter 61A, as so appearing, is hereby amended by inserting after the word "land", in line 9, the following words:- for the previous 5 years.

SECTION 33. Section 18 of said chapter 61A, as so appearing, is hereby amended by striking out, in lines 6 to 7, inclusive, the words "and interest on account of such suspended special assessments or betterment assessments".

SECTION 34. Section 18 of said chapter 61A, as so appearing, is hereby further amended by striking out the third sentence.

SECTION 35. Said section 18 of said chapter 61A, as so appearing, is hereby further amended by striking out, in lines 14, 19 and 22, the words "including interest".

SECTION 36. Said section 18 of said chapter 61A, as so appearing, is hereby further amended by adding the following paragraph:-

Payment of the assessment and interest on it shall be made in accordance with section 13 of chapter 80, but any interest shall be computed from the date of the change in use.

SECTION 37. Section 19 of said chapter 61A, as so appearing, is hereby amended by striking out, in line 9, the word "sixty" and inserting in place thereof the following figure:- 30.

SECTION 38. Section 1 of chapter 61B of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words "landscaped condition" and inserting in place thereof the following words:- landscaped or pasture condition or in a managed forest condition under a certified forest management plan approved by and subject to procedures established by the state forester.

SECTION 39. Said section 1 of said chapter 61B, as so appearing, is hereby further amended by striking out the words "and target shooting", in line 17, and inserting in place thereof the following words:- , target shooting and commercial horseback riding and equine boarding.

SECTION 40. Said chapter 61B is hereby further amended by inserting after section 2 the following section:-

Section 2A. In a city or town that accepts this section, the rate of tax applicable to recreational land shall be the rate determined to be applicable to class two, open space.

SECTION 41. Section 4 of said chapter 61B, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words "December thirty-first" and inserting in place thereof the following words:- June thirtieth.

SECTION 42. Section 6 of said chapter 61B, as so appearing, is hereby amended by adding the following paragraph:-

All recording fees paid under this chapter whether for statements of liens, certificates, releases or otherwise shall be borne by the owner of record of the land.

SECTION 43. Section 7 of said chapter 61B, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following 6 sentences:- The conveyance tax shall be due and payable by the grantor at the time of transfer of the property by deed or other instrument of conveyance and shall be payable to the tax collector of the city or town in which the property is entered upon the tax list. In the case of taking by eminent domain, the value of the property taken shall be determined in accordance with chapter 79, and the amount of conveyance tax, if any, shall be added as an added value. If there is filed with the board of assessors an affidavit by the purchaser that the land is being

purchased for recreational use, no conveyance tax shall be payable by the seller by reason of the sale, but if the land is not continued in that use for at least 5 consecutive years, the purchaser shall be liable for any conveyance tax that would have been payable on the sale as a sale for other use. The conveyance tax shall be assessed only on the portion of land whose use has changed. Notwithstanding the foregoing provisions, no conveyance tax shall be assessed if the land involved, or a lesser interest in the land, is acquired for a natural resource purpose by the city or town in which it is situated, by the commonwealth or by a nonprofit conservation organization, but if any portion of the land is sold for or converted to commercial, residential, or industrial use within 5 years of acquisition by a nonprofit conservation organization, the conveyance tax shall be assessed against the nonprofit conservation organization in the amount that would have been assessed at the time of acquisition of the subject parcel by the nonprofit conservation organization had such transaction been subject to a conveyance tax. The conveyance tax shall be assessed only on the portion of land whose use has changed.

SECTION 44. The second paragraph of said section 7 of said chapter 61B, as so appearing, is hereby amended by inserting before the first sentence the following sentence:- Except with respect to eminent domain takings, this section shall not apply to the following: mortgage deeds; deeds to or by the city or town in which the land is located; deeds which correct, modify, supplement or confirm a deed previously recorded; deeds between husband and wife and parent and child when no consideration is received; tax deeds; deeds releasing any property which is a security for a debt or other obligation; deeds for division of property between owners without monetary consideration; foreclosures of mortgages and conveyances by the foreclosing parties; deeds made pursuant to a merger of a corporation or by a subsidiary corporation to a parent corporation for no consideration other than cancellation and surrender of capital stock of the subsidiary which do not change beneficial ownership; and property transferred by devise or other as a result of death.

SECTION 45. Said section 7 of said chapter 61B, as so appearing, is hereby further amended by adding the following paragraph:-

Notwithstanding this section, no conveyance tax imposed by this section will be assessed on land that meets the definition of forest land under section 1 of chapter 61 or the definition of agricultural land under sections 1 and 3 of chapter 61A or the definition of horticultural land under sections 2 and 3 of chapter 61A.

SECTION 46. Section 8 of said chapter 61B, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following 3 sentences:- Whenever land which is valued, assessed and taxed under this chapter no longer meets the definition of recreational use, it shall be subject to additional taxes, in this section called roll-back taxes, in the current tax year in which it is disqualified and in each of the 4 immediately preceding tax years in which the land was so valued, assessed and taxed, but the roll-back taxes shall not apply unless the amount of the taxes, as computed under this section, exceeds the amount, if any, imposed under section 7 and, in that case, the land shall

not be subject to the conveyance tax imposed under said section 7. For each tax year, the roll-back tax shall be equal to the difference, if any, between the taxes paid or payable for that tax year in accordance with this chapter and the taxes that would have been paid or payable had the land been valued, assessed and taxed without regard to these provisions. Notwithstanding the foregoing provisions, no roll-back taxes shall be assessed if the land involved, or a lesser interest in the land, is acquired for a natural resource purpose by the city or town in which it is situated, by the commonwealth or by a nonprofit conservation organization, but if any portion of the land is sold or converted to commercial, residential, or industrial use within 5 years after acquisition by a nonprofit conservation organization, roll-back taxes shall be assessed against the nonprofit conservation organization in the amount that would have been assessed at the time of acquisition of the subject parcel by the nonprofit conservation organization had the transaction been subject to a roll-back tax.

SECTION 47. Said section 8 of said chapter 61B, as so appearing, is hereby further amended by striking out the last paragraph and inserting in place thereof the following 3 paragraphs:-

Interest on roll-back taxes shall be payable and shall be computed as simple interest at 5 per cent per annum. If the board of assessors determines that the total amount of the roll-back taxes to be assessed under this section, before the addition of any interest as provided for in the preceding paragraph, would be less than $10, no tax shall be assessed.

No roll-back tax imposed by this section will be assessed on land that meets the definition of forest land under section 1 of chapter 61, agricultural land under sections 1 and 3 of chapter 61A, or horticultural land under sections 2 and 3 of chapter 61A.

Land retained as open space as required for the mitigation of a development shall be subject to the roll-back taxes imposed by this section.

SECTION 48. Said chapter 61B is hereby further amended by striking out section 9, as so appearing, and inserting in place thereof the following section:-

Section 9. Land taxed under this chapter shall not be sold for, or converted to, residential, industrial or commercial use while so taxed or within 1 year after that time unless the city or town in which the land is located has been notified of the intent to sell for, or to convert to, that other use.

The discontinuance of forest certification shall not, in itself, for the purposes of this section, be considered a conversion. Specific use of land for a residence for the owner, the owner's spouse or a parent, grandparent, child, grandchild, or brother or sister of the owner, or surviving husband or wife of any deceased such relative, or for living quarters for any persons actively employed full-time in the forest use of such land, shall not be a conversion for the purposes of this section, and a certificate of the board of assessors, recorded with the registry of deeds, shall conclusively establish that particular use.

Any notice of intent to sell for such other use shall be accompanied by a statement of intent to sell, a statement of proposed use of the land, the location and acreage of land as shown on a map drawn at the scale of the assessors map in the city or town in which the land is situated, and the name, address and telephone number of the landowner.

Any notice of intent to sell for other use shall be accompanied by a certified copy of an executed purchase and sale agreement specifying the purchase price and all terms and conditions of the proposed sale, which is limited to only the property classified under this chapter, and which shall be a bona fide offer as described below.

Any notice of intent to sell for other use shall also be accompanied by any additional agreements or a statement of any additional consideration for any contiguous land under the same ownership, and not classified under this chapter, but sold or to be sold contemporaneously with the proposed sale.

For the purposes of this chapter, a bona fide offer to purchase shall mean a good faith offer, not dependent upon potential changes to current zoning or conditions or contingencies relating to the potential for, or the potential extent of, subdivision of the property for residential use or the potential for, or the potential extent of development of the property for industrial or commercial use, made by a party unaffiliated with the landowner for a fixed consideration payable upon delivery of the deed.

Any notice of intent to convert to other use shall be accompanied by a statement of intent to convert, a statement of proposed use of such land, the location and acreage of land as shown on a map drawn at the scale of the assessors map in the city or town in which the land is situated, the name, address and telephone number of the landowner and the landowner's attorney, if any.

The notice of intent to sell or convert shall be sent by the landowner by certified mail or hand delivered to the mayor and city council of a city, or board of selectmen of a town, and in the case of either a city or a town, to its board of assessors, to its planning board and conservation commission, if any, and to the state forester.

A notarized affidavit that the landowner has mailed or delivered a notice of intent to sell or convert shall be conclusive evidence that the landowner has mailed the notice in the manner and at the time specified. Each affidavit shall have attached to it a copy of the notice of intent to which it relates.

The notice of intent to sell or convert shall be considered to have been duly mailed if addressed to the mayor and city council or board of selectmen in care of the city or town clerk; to the planning board and conservation commission if addressed to them directly; to the state forester if addressed to the commissioner of the department of conservation and recreation and to the assessors if addressed to them directly.

If the notice of intent to sell or convert does not contain all of the material as described above, then the town or city, within 30 days after receipt, shall notify the landowner in writing that notice is insufficient and does not comply.

For a period of 120 days after the day following the latest date of deposit in the United States mail of any notice which complies with this section, the city or town shall have, in the case of intended sale, a first refusal option to meet a bona fide offer to purchase the land.

In the case of intended or determined conversion not involving sale, the municipality shall have an option to purchase the land at full and fair market value to be determined by

an impartial appraisal performed by a certified appraiser hired at the expense of the municipality or its assignee, the original appraisal to be completed and delivered to the landowner within 30 days after the notice of conversion to the municipality. In the event that the landowner is dissatisfied with the original appraisal, the landowner may, at the landowner's expense contract for a second appraisal, to be completed within 60 days after the delivery of the notice to convert. If, after completion of the second appraisal, the parties cannot agree on a consideration, the parties will contract with a mutually acceptable appraiser for a third appraisal whose cost will be borne equally by both parties. The third appraisal shall be delivered to both parties within 90 days after the notice of conversion to the municipality and shall be the final determination of consideration. Upon agreement of a consideration, the city or town shall then have 120 days to exercise its option. During the appraisal process, the landowner may revoke the intent to convert at any time and with no recourse to either party.

The option may be exercised only after a public hearing followed by written notice signed by the mayor or board of selectmen, mailed to the landowner by certified mail at the address that is specified in the notice of intent. Notice of the public hearing shall be given in accordance with section 23B of chapter 39.

The notice of exercise shall also be recorded at the registry of deeds and shall contain the name of the record owner of the land and description of the premises adequate for identification of them.

The notice to the landowner of the city or town's election to exercise its option shall be accompanied by a proposed purchase and sale contract or other agreement between the city or town and the landowner which, if executed, shall be fulfilled within a period of not more than 90 days after the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the mayor or board of selectmen, or upon expiration of any extended period that the landowner has agreed to in writing, whichever is later.

At the public hearing or a further public hearing, the city or town may assign its option to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions under the terms and conditions that the mayor or board of selectmen may consider appropriate. Notice of the public hearing shall be given in accordance with section 23B of chapter 39.

The assignment shall be for the purpose of maintaining no less than 70 per cent of the land in use as forest land as defined in section 1 of this chapter, as agricultural and horticultural land as defined in sections 1 and 2 of chapter 61A or as recreation land as defined in section 1 of chapter 61B, and in no case shall the assignee develop a greater proportion of the land than was proposed by the developer whose offer gave rise to the assignment. All land other than land that is to be developed shall then be bound by a permanent deed restriction that meets the requirements of chapter 184.

If the first refusal option has been assigned to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions as provided in this section, the mayor or board of selectmen shall provide written notice of assignment to the landowner.

The notice of assignment shall state the name and address of the organization or agency of the commonwealth which will exercise the option in addition to the terms and conditions of the assignment. The notice of assignment shall be recorded with the registry of deeds.

Failure to record either the notice of exercise or the notice of assignment within the 120 day period shall be conclusive evidence that the city or town has not exercised its option.

If the option has been assigned to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions, the option may be exercised by the assignee only by written notice to the landowner signed by the assignee, mailed to the landowner by certified mail at the address that is specified in the notice of intent.

The notice of exercise shall also be recorded with the registry of deeds and shall contain the name of the record owner of the land and description of the premises adequate for identification of them.

The notice of exercise to the landowner shall be accompanied by a proposed purchase and sale contract or other agreement between the assignee and landowner which, if executed, shall be fulfilled within a period of not more than 90 days, or upon expiration of any extended period that the landowner has agreed to in writing, from the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the assignee.

During the 120 day period, the city or town or its assignees, shall have the right, at reasonable times and upon reasonable notice, to enter upon the land for the purpose of surveying and inspecting said land, including but not limited to soil testing for purposes of Title V and the taking of water samples.

The city or town or its assignee shall have all rights assigned to the buyer in the purchase and sales agreement contained in the notice of intent.

If the city or town elects not to exercise the option, and not to assign its right to exercise the option, the city or town shall send written notice of nonexercise signed by the mayor or board of selectmen to the landowner by certified mail at the address that is specified in the notice of intent. The notice of nonexercise shall contain the name of the owner of record of the land and description of the premises adequate for identification of them, and shall be recorded with the registry of deeds.

No sale or conversion of the land shall be consummated until the option period has expired or the notice of nonexercise has been recorded with the registry of deeds, and no sale of the land shall be consummated if the terms of the sale differ in any material way from the terms of the purchase and sale agreement which accompanied the bona fide offer to purchase as described in the notice of intent to sell except as provided herein.

This section shall not apply to a mortgage foreclosure sale, but the holder of a mortgage shall, at least 90 days before a foreclosure sale, send written notice of the time and place of the sale to the parties in the manner described in this section for notice of intent to sell or convert, and the giving of that notice may be established by an affidavit as described in this section.

SECTION 49. Section 11 of said chapter 61B, as so appearing, is hereby amended by inserting after the word "land", in line 9, the following words:- for the previous 5 years.

SECTION 50. Section 13 of said chapter 61B, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following 6 sentences:- This assessment shall, however, upon application, be suspended during the time the land is in classified recreational use and shall become due and payable as of the date when the use of the land is changed. Payment of the assessment and interest on it shall be made in accordance with section 13 of chapter 80, but the interest shall be computed from the date of the change in use. If only a portion of a tract of land which benefits from a suspension of payment is changed from that use, the assessment shall become due and payable as of the date when the use was changed only to the extent of and in the proportion that the frontage of that portion bears to the street frontage of the entire tract of land which originally benefited from a suspension of payment. Upon receipt of full payment of a portion of a suspended assessment, the tax collector shall dissolve the lien for the assessment insofar as it affects the portion of the land changed from recreational use. The lien for the portion of the original assessment which remains unpaid shall continue and remain in full force and effect until dissolved in accordance with law. A request for this release shall be made in writing to the tax collector and shall be accompanied by a plan and other information that is required in the case of a request for a division of an assessment under section 10.

SECTION 51. Land classified as forest land under chapter 61 of the General Laws before the first tax filing date after the effective date of this act shall be exempt from section 6 of said chapter 61, inserted by section 16 of this act, until that land has been transferred to another owner.

Approved December 22, 2006.

Chapter 395. AN ACT AUTHORIZING THE TOWN OF BELMONT TO PLACE A CERTAIN QUESTION RELATIVE TO THE SALE OF ALL ALCOHOLIC BEVERAGES ON THE TOWN'S ELECTION BALLOT.

Be it enacted, etc., as follows:

SECTION 1. (a) Notwithstanding sections 11, 11A and 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Belmont shall cause to be placed on the official ballot at a regular or special town election the following question:

"Shall the licensing authority in the town of Belmont be authorized to grant 1 license for the sale of all alcoholic beverages not to be drunk on the premises provided that not more than 1 such license shall be in effect?"

(b) The town shall include below the ballot question a fair and concise summary of the ballot question.

(c) If a majority of the votes cast in answer to the question is the affirmative, the town shall be taken to have authorized the issuance of a license for the sale of all alcoholic beverages not to be drunk on the premises. The license shall be subject to all of said chapter 138 except said section 17. Once issued, the licensing authority shall not approve the transfer of such license to any other person, organization, corporation or location.

SECTION 2. This act shall take effect upon passage.

Approved December 31, 2006.

Chapter 396. AN ACT AUTHORIZING THE TOWN OF BELMONT TO PLACE A CERTAIN QUESTION RELATIVE TO THE SALE OF WINES AND MALT BEVERAGES ON THE TOWN'S ELECTION BALLOT.

Be it enacted, etc., as follows:

SECTION 1. (a) Notwithstanding sections 11, 11A and 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Belmont shall cause to be placed on the official ballot at a regular or special town election the following question:-

"Shall the licensing authority in the town of Belmont be authorized to grant licenses for the sale of wines and malt beverages not to be drunk on the premises provided that not more than 2 such licenses shall be in effect?"

(b) The town shall include below the ballot question a fair and concise summary of the ballot question.

(c) If a majority of the votes cast in answer to this question is the affirmative, the town shall be taken to have authorized the granting of licenses for the sale of wines and malt beverages not to be drunk on the premises. The licenses shall be subject to all of said chapter 138 except said section 17. Once said licenses has been issued, the licensing authority shall not approve the transfer of the licenses to any other person, organization, corporation or location.

SECTION 2. This act shall take effect upon its passage.

Approved December 31, 2006.

Chapter 397. AN ACT RELATIVE TO THE GRANTING OF SPECIAL LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES IN THE TOWN OF BELMONT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding sections 11 and 11A of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Belmont may grant special licenses for the sale of alcoholic beverages pursuant to section 14 of said chapter 138. Licenses granted under this act shall be subject to all of said chapter 138, except said sections 11 and 11A. Once issued any such licenses is issued by the licensing authority shall not approve the transfer of the license to any other person, organization, corporation, or location.

SECTION 2. This act shall take effect upon its passage.

Approved December 31, 2006.

Chapter 398. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF HATFIELD.

Be it enacted, etc., as follows:

SECTION 1. The holder of an elective office in the town of Hatfield may be recalled therefrom by the registered voters of the town as herein provided, for reason of lack of fitness, incompetence, neglect of duties, corruption, malfeasance, misfeasance or violation of oath.

SECTION 2. Ten per cent or more of the qualified persons registered to vote may make and file an affidavit with the town clerk containing the name of the officer sought to be recalled and a statement of the grounds for recall. Upon certification of the required signatures, the clerk shall forthwith deliver to the first named voter on the affidavit of the petition blanks addressed to the board of selectmen demanding the recall, copies of which printed forms the clerk shall keep available. The blanks shall be issued under the signature and official seal of the town clerk. They shall be dated, and shall contain the names of first 10 registered voters whose names appear on the recall affidavit, the name of the person and the position of the person whose recall is sought, and the grounds of the recall as stated in the affidavit. In addition, the petitions shall demand the election of a successor to the office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within 30 days after the filing of the affidavit, with signatures, names and street addresses of at least 20 per cent of the registered voters of the town. The town clerk shall, within 72 hours following the day of the filing with the office of the town clerk, submit the recall petition forms to the board

of registrars of voters in the town, and the registrars shall, within 5 work days after the day of receipt, certify in writing thereon the number of signatures which are names of registered voters of the town. The board of registrars of voters, upon completion of their certification, shall return the recall petition forms to the town clerk.

SECTION 3. If the recall petition forms shall be certified by the board of registrars of voters to contain at least 20 per cent of the qualified persons registered to vote and if the petition shall be found and certified by the town clerk to be sufficient, the town clerk shall give notice without delay, in writing, to the elected officer, whose recall is sought by sending to that officer a copy of the affidavit and the recall petition form together with notice of the number of qualified voters certified by the board of registrars of voters who signed the recall petition forms and the total number of qualified voters in the town as of the most recent town election.

If the officer to whom notice is directed by the town clerk does not resign the office within 5 calendar days, the board of selectmen shall forthwith order an election to be held on a date fixed by them not less than 64 nor more than 90 days after the date the election is called after receipt of the certificate, but if any other town election is scheduled to occur within 100 days after the date of the certificate, the board of selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this act, but only ballots for new candidates shall be counted.

SECTION 4. An officer sought to be removed may be a candidate to succeed himself in an election to be held to fill the vacancy, and unless the officer requests otherwise in writing, the town clerk shall place the officer's name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the law relating to elections, unless otherwise provided in this section.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If the incumbent is not removed, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, he shall be considered removed upon the qualification of a successor, who shall hold office during the unexpired term. If the successor fails to qualify within 10 days after receiving notification of election, the incumbent shall thereupon be considered removed and the office vacant.

SECTION 6. Ballots used in a recall election shall contain the following propositions in the order indicated:

For the recall of (name of officer) { }

Against the recall of (name of officer) { }

Immediately at the right of each proposition there shall be a designated place for voters to vote for either of the propositions. Under the proposition shall appear the word "Candidates", the directions to voters required by section 42 of chapter 54 of the General Laws, and beneath this, the names of candidates nominated as hereinbefore provided. If a

majority of votes on the question is against the recall, the ballots for candidates need not be counted or take any action relative thereto. If a majority of the votes cast upon the question of recall is in favor of the recall, the officer shall be recalled and the ballots for candidates shall be counted. The candidate receiving the highest number of votes shall be declared elected.

SECTION 7. A recall petition shall not be filed against an officer within 6 months after he takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least 6 months have elapsed after the election at which the recall was submitted to the voters of the town.

SECTION 8. A person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him shall not be appointed to any town office within 2 years after the recall or resignation.

Approved December 31, 2006.

Chapter 399. AN ACT AUTHORIZING DEPOSITS INTO THE STABILIZATION FUND OF THE TOWN OF HOPEDALE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the board of selectmen of the town of Hopedale may, at its discretion, without further appropriation or approval of the town meeting, deposit the receipts arising from the disposition of town leases for the operation of telecommunication facilities on town-owned land into the stabilization fund of the town.

SECTION 2. This act shall take effect upon its passage.

Approved December 31, 2006.

Chapter 400. AN ACT EXEMPTING JEFFREY L. BEOHNER AND JOHN ZACCARI FROM THE MAXIMUM AGE REQUIREMENT FOR APPLYING FOR CIVIL SERVICE APPOINTMENT AS A POLICE OFFICER IN THE CITY OF METHUEN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 58 of chapter 31 of the General Laws or any other general or special law to the contrary, Jeffrey L. Beohner and John Zaccari shall be eligible to have their names certified for original appointment to the position of police officer in the city of Methuen, notwithstanding their having reached the age of 32 before taking any

civil service examination in connection with this appointment. Jeffrey L. Beohner and John Zaccari shall be eligible for appointment to the position of police officer in the city of Methuen if they otherwise qualify and are selected for employment under said chapter 31, any regulations of the human resources division and any lawful hiring practices of the city of Methuen.

SECTION 2. This act shall take effect upon its passage.

Approved December 31, 2006.

Chapter 401. AN ACT DESIGNATING THE TOWN OF NATICK AS THE HOME OF CHAMPIONS AND THE CITY OF BROCKTON AS THE CITY OF CHAMPIONS.

Be it enacted, etc., as follows:

The town of Natick shall be designated and known as the home of champions and the city of Brockton shall be designated and known as the city of champions.

Approved December 31, 2006.

Chapter 402. AN ACT DESIGNATING AN OVERPASS IN THE CITY OF NEW BEDFORD AS THE GEORGE EVANGELOS PATISTEAS MEMORIAL OVERPASS.

Be it enacted, etc., as follows:

The overpass on interstate highway route 195 over state highway route 140 in the city of New Bedford shall be designated and known as the George Evangelos Patisteas Memorial Overpass. George Evangelos Patisteas, fireman first class, served in the United States Navy during World War II and was killed in action during a kamikaze attack. The department of highways shall erect and maintain suitable markers bearing the designation in compliance with the standards of said department.

Approved December 31, 2006.

Chapter 403. AN ACT DESIGNATING THE ROTUNDA OF THE WEST ROXBURY DISTRICT COURT AS THE JAMES JOSEPH RUSH ROTUNDA.

Be it enacted, etc., as follows:

The rotunda in the West Roxbury division of the district court department of the trial court shall be designated and known as the James Joseph Rush rotunda, in honor of former chief probation officer James Joseph Rush for his many years of service. The division of capital asset management and maintenance shall erect a suitable marker bearing the designation in compliance with applicable state standards.

Approved December 31, 2006.

Chapter 404. AN ACT REGULATING ELECTIONS IN THE TOWN OF YARMOUTH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 22A of chapter 55 or section 21C of chapter 59 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Yarmouth shall, at least 10 days before any election at which a binding or nonbinding question shall be submitted solely to the voters of the town, cause to be printed and sent to each residence of 1 or more voters whose name appears on the latest voting list for the town and make available at each polling place: (1) the full text of the question; (2) a fair and concise summary of the question, including a 1-sentence statement describing the effect of a yes or no vote, prepared by the town counsel of the town; and (3) arguments for and against the question as provided in section 2.

SECTION 2. The board of selectmen of the town of Yarmouth shall cause to be printed and sent, in the manner provided in section 1, arguments for and against each question submitted solely to the voters of the town under any General Law, including, but not limited to, section 21C of chapter 59 of the General Laws. No argument shall contain more than 250 words. The board, or, at its request, the town counsel shall seek written arguments from the principal proponents and opponents of each question. The board shall designate a date by which written arguments must be received in a written notice to the principal proponents or opponents. This notice shall be issued at least 14 days before the date by which the written arguments must be received.

For the purposes of this act, the principal proponents and opponents of any question shall be those persons determined by the board to be best able to present the arguments for and against the question. The principal proponents or opponents of a question may include a town officer or committee, and the principal proponents may include the first 10 signers or a majority of the first 10 signers of any petition initiating the placement of the question on the ballot. In determining the principal proponents and opponents of a question, the board shall contact each ballot question committee, if any, as defined in section 1 of chapter 5 of

the General Laws, organized specifically to influence the outcome of the vote on each question. If no argument is received by the board within the time allowed by this act, the town counsel shall prepare the argument.

All arguments filed with or prepared by the board under this act, and the summary prepared under section 1, shall be open to public inspection at the office of the town clerk of the town.

SECTION 3. The official ballot shall include the summary and statements describing the effect of a yes or no vote, as provided in clause (2) of section 1.

SECTION 4. This act shall also apply where the question presented involves a regional district of which the town of Yarmouth is a member or involves a joint undertaking by the town of Yarmouth and 1 or more cities or towns.

SECTION 5. This act shall take effect upon its passage.

Approved December 31, 2006.

Chapter 405. AN ACT EXEMPTING CERTAIN CLERICAL POSITIONS IN THE TOWN OF BILLERICA FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The clerical positions with the police department, board of health, recreation department and planning board of the town of Billerica shall not be subject to chapter 31 of the General Laws.

SECTION 2. Section 1 shall not impair the civil service status of any person holding a clerical position with the police department, board of health, recreation department or planning board of the town of Billerica on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

Approved December 31, 2006.

Chapter 406. AN ACT AUTHORIZING THE TOWN OF BILLERICA TO EXECUTE A CERTAIN LEASE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Billerica, acting by and through its board of selectmen, may lease the Billerica Museum

to the Billerica Historical Society for a term of 99 years on terms and conditions that the town meeting may authorize.

SECTION 2. This act shall take effect upon its passage.

Approved December 31, 2006.

Chapter 407. AN ACT REGULATING THE ISSUANCE OF SECOND HAND MOTOR VEHICLE LICENSES IN THE CITY OF REVERE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding sections 57, 58 and 59 of chapter 140 of the General Laws, clause (9) of section 34 of chapter 687 of the acts of 1914 or any other general or special law to the contrary, the license commission of the city of Revere shall not issue more than 30 class 2, second hand motor vehicle licenses within the city of Revere under said sections 57, 58 and 59 of said chapter 140. A license previously granted by the license commission of the city of Revere under said section 58 or 59 of said chapter 140, shall remain in effect at the licensee's location as long as the licensee complies with all of the rules and regulations of the license commission. The license commission shall not approve the transfer of an existing class 2, second hand motor vehicle licenses on the effective date of this act, from its existing location to any other location within the city of Revere.

SECTION 2. This act shall take effect upon its passage.

Approved December 31, 2006.

Chapter 408. AN ACT PROVIDING INCREASED BENEFITS TO THE SURVIVING MINOR DEPENDENTS OF A FORMER MEMBER OF THE BOSTON FIRE DEPARTMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding chapter 32B of the General Laws or any other general or special law to the contrary, the 3 surviving minor dependents of Lieutenant Thomas Dynan of the Boston fire department, specifically, Tyler Dynan, Tara Dynan, and Thomas Dynan, shall remain eligible for participation in the group health insurance program offered by the city of Boston as if Lieutenant Thomas Dynan were an active member of the fire department. Each minor dependent shall cease to be eligible for participation in the group health insurance program when the dependent attains the age of 18 years old unless: (i) the surviving dependent is physically or mentally incapacitated from gainful employment in which case eligibility for participation in the group health insurance program shall not expire

unless the dependent obtains alternative health insurance coverage; or (ii) the surviving dependent is a full-time student at an accredited educational institution and has not reached the age of 25 years old.

SECTION 2. This act shall take effect upon its passage.

Approved December 31, 2006.

Chapter 409. AN ACT REGULATING CERTAIN MUSICAL PERFORMANCES AND THE PROTECTION OF PERFORMING GROUPS.

Be it enacted, etc., as follows:

Chapter 93 of the General Laws is hereby amended by inserting after section 43A, under the caption PERFORMING GROUP PROTECTION the following section:-

Section 43B. For purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Performing group", a vocal or instrumental group seeking to use the name of another group that has previously released a commercial sound recording under that name.

"Recording group", a vocal or instrumental group at least 1 of whose members has previously released a commercial sound recording under that group's name and in which that member has a legal right by virtue of use or operation under the name in question without having severed-relationships with the recording group or otherwise abandoned use of the name or affiliation in question.

"Sound recordings", works resulting from the fixation on a material object of a series of musical, spoken, or other sounds regardless of the nature of the material objects such as disks, tapes or other media in which the sounds are embodied.

"Unfair methods of competition" and "unfair or deceptive acts or practices", advertising a live musical performance or production in the commonwealth through the use of a false, deceptive or misleading affiliation, connection or association between the performing group and the recording group. A performing group shall have 1 or more members of the recording group on stage with the legal right to use the name in order to perform in the commonwealth unless: (i) the performing or recording group is the authorized registrant and owner of a Federal Service Mark for that performing group registered in the United States Patent and Trademark Office; (ii) at least 1 member of the performing group was a member of the recording group with a legal right to use the name in question; (iii) the live musical performance or production is identified in all advertising and promotion as a salute or tribute; (iv) the advertising does not relate to a live musical performance taking place in the commonwealth; or (v) the performance is expressly authorized by the recording group.

A person who engages in unfair methods of competition or unfair or deceptive acts

or practices as defined in this section shall be punished by a fine of not less than $5,000 and not more than $15,000 in addition to other remedies provided by law.

In addition to other remedies provided by law, the recording group may obtain an injunction against a performance in the commonwealth by the performing group and may recover 3 times the sum of any profits accrued from either the performance or the sale of sound recordings.

Approved December 31, 2006.

Chapter 410. AN ACT REGULATING OPEN SPACE PRESERVATION FUNDS IN THE TOWN OF HOPKINTON.

Be it enacted, etc., as follows:

SECTION 1. Section 11 of chapter 19 of the acts of 1999 is hereby amended by striking out clauses (a), (b) and (c) and inserting in place thereof the following clause:- All monies received by the town as a result of violations of the open space and landscape preservation development by-law of the town.

SECTION 2. Said chapter 19 is hereby further amended by inserting after section 11 the following section:-

Section 11A. All monies received by the town of Hopkinton through the following means shall be paid over and deposited in the stabilization fund of the town:

(a) Rollback taxes for the sale of land which has been classified under chapter 61, 61A or 61B of the General Laws.

(b) All monies received from the sale of foreclosed tax titles under section 77B of chapter 60 of the General Laws, the assignment of tax titles under section 52 of said chapter and from the sale of land of low value under sections 79 to 80B, inclusive, of said chapter 60, including monies received from the sale of these properties where the procedures for disposition are modified under this act.

Approved December 31, 2006.

Chapter 411. AN ACT RELATIVE TO GROUP MARKETING PLANS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for renewal of certain insurance group marketing plans, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, a group marketing plan approved and in effect, pursuant to section 193R of chapter 175 of the General Laws, during calendar year 2006 may be approved upon renewal, notwithstanding that less than 35 per cent of its members are insured during calendar year 2007.

Approved December 31, 2006

Chapter 412. AN ACT AUTHORIZING THE STATE RETIREMENT BOARD TO GRANT AN ACCIDENTAL DISABILITY RETIREMENT TO JAMES R. JOHNSON.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the state board of retirement shall provide an accidental disability retirement to James R. Johnson, an employee of the department of revenue, due to his total and permanent incapacitation from further service. The annual retirement allowance payable to him under this act shall take effect as of November 11, 2006, and shall be set in accordance with section 7 of chapter 32 of the General Laws. Mr. Johnson may elect a payment option as provided under section 12 of said chapter 32. He shall be eligible for all other benefits under section 7 of said chapter 32, and he shall receive all annual cost-of-living adjustments to his annual pension, as provided under section 102 of said chapter 32.

Approved December 31, 2006.

Chapter 413. AN ACT DESIGNATING THE BROADWAY BRIDGE IN THE SOUTH BOSTON SECTION OF THE CITY OF BOSTON AS THE JAMES M. KELLY BRIDGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to designate forthwith a certain bridge in the city of Boston, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The bridge spanning the Fort Point Channel and connecting Dorchester avenue and Albany street in the South Boston section of the city of Boston shall be designated and known as the James M. Kelly Bridge, in honor of Boston city councillor James M. Kelly of South Boston. The department of highways shall erect and maintain suitable markers bearing that designation in compliance with the standards of the department.

Approved December 31, 2006.

Chapter 414. AN ACT ESTABLISHING A SICK LEAVE BANK FOR ROBERT O'HAVER, AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for Robert O'Haver, an employee of the department of correction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the department of correction shall establish a sick leave bank for Robert O'Haver, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Robert O'Haver. Whenever Robert O'Haver terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved December 31, 2006.

Chapter 415. AN ACT ESTABLISHING A SICK LEAVE BANK FOR WILLIAM LEWIS, AN EMPLOYEE OF THE TRIAL COURT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately establish a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for William Lewis, an employee of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the leave bank for use by William Lewis. Whenever William Lewis terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.

Approved December 31, 2006.

Chapter 416. AN ACT RELATIVE TO CERTAIN RETIREMENT BENEFITS FOR SURVIVING SPOUSES OF THE STATE POLICE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make forthwith certain retirement benefits available, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 332 of the acts of 2004 is hereby amended by inserting after the first sentence the following sentence:- The preceding sentence shall also apply to the surviving spouses of the following individuals who died in active service and whose surviving spouses currently receive retirement benefits: Roy F. Sibley, Thomas T. Trainor, John Regan, Richard Wakefield, John J. Kelly, Edward F. Hunter, William F. Kidney, Perley K. Johnson, and James V. Grant, and also to the surviving spouses of William Irving, Eugene L. Murphy, and Robert H. Cairns.

SECTION 2. This act shall take effect as of November 24, 2004.

Approved December 31, 2006.

Chapter 417. AN ACT AUTHORIZING THE ISSUANCE OF PENSION FUNDING BONDS BY THE CITY OF QUINCY.

Be it enacted, etc., as follows:

SECTION 1. The city of Quincy may issue bonds or notes from time to time for the purpose of funding all or a portion of the unfunded pension liability of the retirement system of the city of Quincy. Bonds or notes issued under this act shall be outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws, shall be issued for terms not in excess of 30 years from their date of issue and, except as otherwise provided in this act, shall be subject to the applicable provisions of said chapter 44. The aggregate amount of bonds or notes which may be issued by the city of Quincy under this act shall not exceed the amount which the retirement board of the city of Quincy, with the approval of the city treasurer and mayor, shall determine to be necessary to be issued to fund the unfunded pension liability of the retirement system of the city of Quincy as of a particular date and to provide for issuance costs and other necessary or incidental expenses. The determination of the retirement board of the city of Quincy of the unfunded pension liability shall be based upon the report of a nationally-recognized independent consulting firm, which may be the consulting actuary generally retained by the retirement board of the city of Quincy.

SECTION 2. The maturities of bonds or notes issued under this act (i) shall be arranged so that for each issue the annual combined payments of principal and interest shall be as nearly equal as practicable, in the opinion of the treasurer and mayor, or in accordance

with a schedule providing for a more rapid amortization of principal, or (ii) shall be arranged so that for each issue the annual combined payments of principal and interest shall be in amounts specifically approved by the secretary of administration and finance.

SECTION 3. Proceeds of any bonds or notes issued under this act other than amounts to be applied to issuance costs or other expenses, shall be paid by the city of Quincy to the retirement board of the city of Quincy, shall be allocated solely to reduce the unfunded pension liability to which the bonds or notes relate, shall be invested in any investments which are permitted under chapter 32 of the General Laws, and shall otherwise be held and expended by the retirement board of the city of Quincy in accordance with law.

SECTION 4. Before the issue of any bonds or notes under this act, the city shall submit to the executive office for administration and finance a plan showing the amount of the bonds and notes to be issued, the amount of the unfunded pension liability to be funded with the proceeds of the bonds and notes, the proposed maturity schedule of the bonds and notes, the proposed allocation of, if any, and plan to finance the principal of and interest on the bonds and notes, the present value savings reasonably expected to be achieved as a result of the issue of the bonds or notes, and any other information requested by the secretary of administration and finance relating to the bonds and notes. No bonds or notes shall be issued under this act until the secretary has approved the plan and specifically approved the maturity schedule of the bonds or notes, if required by section 2.

SECTION 5. If the unfunded pension liability to be funded with the proceeds of an issue of bond or notes issued under this act relates in part to employees of a governmental unit other than the city, that governmental unit shall be responsible for reimbursing the city for the proportion of the annual debt service expense paid by the city for bonds or notes issued under this act that is equal to the proportion of the total unfunded pension liability to be funded with the proceeds of the bonds or notes that relates to that governmental unit.

SECTION 6. Notwithstanding any other general or special law to the contrary, any debt service on bonds or notes issued under this act to finance that portion of the unfunded pension liability applicable to school department personnel who are members of the retirement system of the city of Quincy shall be included in the computation of net school spending for the purposes of chapter 70 of the General Laws.

SECTION 7. This act shall take effect upon its passage.

Approved December 31, 2006.

Chapter 418. AN ACT FURTHER PROTECTING VICTIMS OF DOMESTIC VIOLENCE.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 209A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the seventh paragraph the following paragraph:-

Where a defendant has been found in violation of an abuse prevention order under this chapter or a protection order issued by another jurisdiction, the court may, in addition to the penalties provided for in this section after conviction, as an alternative to incarceration and, as a condition of probation, prohibit contact with the victim through the establishment of court defined geographic exclusion zones including, but not limited to, the areas in and around the complainant's residence, place of employment, and the complainant's child's school, and order that the defendant to wear a global positioning satellite tracking device designed to transmit and record the defendant's location data. If the defendant enters a court defined exclusion zone, the defendant's location data shall be immediately transmitted to the complainant, and to the police, through an appropriate means including, but not limited to, the telephone, an electronic beeper or a paging device. The global positioning satellite device and its tracking shall be administered by the department of probation. If a court finds that the defendant has entered a geographic exclusion zone, it shall revoke his probation and the defendant shall be fined, imprisoned or both as provided in this section. Based on the defendant's ability to pay, the court may also order him to pay the monthly costs or portion thereof for monitoring through the global positioning satellite tracking system.

SECTION 2. The commissioner of probation shall submit reports to the joint committee on the judiciary and the house and senate committees on ways and means every 6 months following the effective date of this act, which reports shall detail the feasibility of conducting the program set forth in section 1 based on the resources and technology in existence and operational within the department of probation. Section 1 shall not be implemented unless the commissioner submits such a report with a determination that the necessary resources and technology exist and are operational within the department of probation to conduct the program. Following such a determination by the commissioner, the reporting requirement of this section shall cease.

Approved January 3, 2007.

Chapter 419. AN ACT RELATIVE TO DISABLED VETERANS' MOTOR VEHICLE PLATES.

Be it enacted, etc., as follows:

Section 2 of chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "Administration,", in line 131, the following words:- has been determined to have a service-connected disability rating of 60 per cent or greater and.

Approved January 3, 2007.

Chapter 420. AN ACT REQUIRING AUTOMATIC EXTERNAL DEFIBRILLATOR DEVICES IN HEALTH CLUBS.

Be it enacted, etc., as follows:

SECTION 1. Section 78 of chapter 93 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 1, the words "section seventy-nine to eighty-eight" and inserting in place thereof the following words:- sections 78A to 88.

SECTION 2. Said chapter 93 is hereby further amended by inserting after section 78, as so appearing, the following section:-

Section 78A. A health club shall have on the premises at least 1 AED, as defined in section 12V½ of chapter 112, and shall have in attendance during staffed business hours at least 1 employee or authorized volunteer as an AED provider, as defined in said section 12V½ of said chapter 112.

SECTION 3. Section 86 of said chapter 93, as so appearing, is hereby amended by adding the following paragraph:-

Absent a showing of gross negligence or willful or wanton misconduct, no cause of action against a health club or its employees may arise in connection with the use or non-use of a defibrillator.

SECTION 4. Chapter 112 of the General Laws is hereby amended by striking out section 12V, as so appearing, and inserting in place thereof the following section:-

Section 12V. Any person, whose usual and regular duties do not include the provision of emergency medical care, and who, in good faith, attempts to render emergency care including, but not limited to, cardiopulmonary resuscitation or defibrillation, and does so without compensation, shall not be liable for acts or omissions, other than gross negligence or willful or wanton misconduct, resulting from the attempt to render such emergency care.

SECTION 5. Sections 1 and 2 of this act shall not apply to a health club, as defined by section 78 of chapter 93 of the General Laws, if that health club employs 5 or fewer full-time equivalent employees, until 2 years after the effective date of this act. Sections 1 and 2 of this act shall not apply to a health club, as so defined by said section 78 of said chapter 93, if that health club employs more than 5 full-time equivalent employees, until 1 year after the effective date of this act. For the purposes of this section, the term "full-time equivalent employee" shall equal 40 labor hours per week.

Approved January 3, 2007.

Chapter 421. AN ACT RELATIVE TO FUNDS DEPOSITED INTO THE DIANE ZANIBONI BREAST CANCER RESEARCH FUND.

Be it enacted, etc., as follows:

Section 2F of chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 39 and 40, the words "establishment of the Diane Zaniboni breast cancer research fund to be coordinated by the department of public health" and inserting in place thereof the following words:- Diane Zaniboni Breast Cancer Research Fund coordinated by Tufts New England Medical Center.

Approved January 3, 2007.

Chapter 422. AN ACT RELATIVE TO THE WORCESTER DCU ARENA AND CONVENTION CENTER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the city of Worcester may design, construct and install improvements to the DCU Arena and Convention Center, in this act called the DCU center, including without limitation expansion of the concourse and pedestrian interior mall, construction of club rooms with a view of the playing surface, elevated pedestrian walkways to adjacent public and private facilities for parking and public accommodations, renovation, expansion and improvement to concession stands and refrigeration, electrical systems, storage, restroom and support facilities, and service improvements to fire alarm and fire suppression systems, security systems and waste removal facilities, together with all necessary and related furnishings, furniture and equipment, and may pay all costs incidental and related to these improvements.

SECTION 2. The city may issue bonds or notes up to but not exceeding the sum of $30,000,000 in the aggregate in order to finance all or a portion of the costs of the improvements to the DCU center authorized under this act. Notwithstanding chapter 44 of the General Laws to the contrary, the maturities of bonds issued by the city under this act either shall be arranged so that for each issue the annual combined payments of principal and interest payable in each year, commencing with the first year in which a principal payment is required, shall be as nearly equal as practicable in the opinion of the city treasurer, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal. The first payment of principal of each issue of bonds or of any temporary notes issued in anticipation of the bonds shall be not later than 5 years after the estimated date of completion of the improvements financed by the bonds, as determined by the city treasurer, and the last payment of principal of the bonds shall be not later than 25 years after the date of the bonds. Indebtedness incurred under this act shall not be included in determining the limit of indebtedness of the city under section 10 of said chapter 44, but, except as otherwise provided in this act, shall be subject to said chapter 44.

SECTION 3. (a) On or before the first date of issuance by the city of any bonds or notes under this act, the treasurer of the city shall set up on the books of the city a separate fund entitled the City of Worcester DCU Capital Improvement Fund, in this act called the

DCU improvement fund. Commencing on the first day of the first full calendar month following the issuance of these bonds or notes, and until all the bonds and notes are paid or duly provided for, the following receipts shall be received by the state treasurer or his designee and without further appropriation transferred to the city treasurer of the city, or received by the city treasurer, and in either case credited to, and deposited by the city treasurer in, the DCU improvement fund and used in accordance with this act: (i) all receipts from the excise imposed under section 3A of chapter 64G of the General Laws upon the transfer of occupancy of a room in a hotel, motel or other lodging establishment subject to this excise which is located in the DCU center finance district and which was first opened for patronage or available for transfer on or after July 1, 2004; (ii) all receipts from the excise imposed by section 3 of said chapter 64G of the General Laws and section 22 of chapter 546 of the acts of 1969 upon the transfer of occupancy of any room in a hotel, motel or other lodging establishment subject to this excise which is located in the DCU center finance district and which was first opened for patronage or available for transfer on or after July 1, 2004; (iii) all undedicated receipts from the excise imposed by chapter 64H of the General Laws upon sales at retail by a vendor of meals, beverages and other tangible personal property or services within the DCU center finance district at establishments which were first opened for patronage on or after July 1, 2004; (iv) all undedicated receipts from the excise imposed by said chapter 64H upon sales at retail by a vendor of meals, beverages and other tangible personal property or services within the DCU center; (v) earnings on investment of proceeds of bonds and notes issued under this act; and (vi) earnings on investment of amounts held in the DCU improvement fund.

(b) For the purposes of this act, the term "DCU center finance district" shall mean collectively the areas in the city bounded or described as follows: beginning at the southeasterly intersection of Foster street and Major Taylor Boulevard; thence westerly along the northerly street line of Foster street to the intersection with Commercial street; thence northerly along the easterly street line of Commercial street to the intersection with Thomas street; thence easterly along the southerly street line of Thomas street to the intersection with Major Taylor Boulevard; thence southerly along the westerly street line of Major Taylor Boulevard to the point of beginning; plus the approximate 1.8 acre parcel located at 30 Major Taylor Boulevard bounded by Major Taylor Boulevard, Thomas street, the property line of 111 Summer street and Central street; plus the approximate 6.7 acre parcel located at 503 Plantation street, constituting Lot 2 on a certain plan of land entitled "Easement Plan, Worcester, MA. Owned by National Development" dated May 6, 2003, recorded in the Worcester district registry of deeds on plan book 794, plan 44.

(c) Except as otherwise provided in this act, all amounts deposited in the DCU improvement fund shall be used solely to pay or provide for, without further appropriation, the principal of and premium and interest on all bonds or notes issued by the city under this act, and the establishment and maintenance of a reserve for this purpose in an amount determined by the city treasurer, with the approval of the city manager, not exceeding the maximum amount of principal, premium and interest payable on these bonds or notes in any

fiscal year. The city treasurer shall first apply to these purposes amounts deposited in the fund representing receipts from the excise imposed by section 3A of chapter 64G of the General Laws upon the transfer of occupancy of a room in a hotel, motel or other lodging establishment subject to this excise which is located in the DCU center finance district and which was first opened for patronage or available for transfer on or after July 1, 2004, and earnings on investment of proceeds of these bonds and notes and earnings on investment of amounts held in the DCU improvement fund. If the amount of these receipts and earnings is insufficient to pay or provide for the principal of and premium and interest then payable on all bonds and notes issued under this act, and the establishment and maintenance of this reserve, the city treasurer shall apply any other amounts in the DCU improvement fund to this purpose.

(d) If the total of the revenues deposited in the DCU improvement fund in any fiscal year, together with any reserve established for the purposes of the fund, is insufficient to pay or provide for the principal of and premium and interest payable on all bonds and notes issued under this act in that fiscal year, the deficiency shall be included in the city's operating budget and paid from the city's general fund. In this event, the city may impose (i) an administrative parking surcharge in an amount not to exceed $3.00 per day upon any vehicle which parks during the 2-hour period before the starting time of any event at the DCU center in any parking facility within the DCU center finance district owned or leased by the city or in any parking facility under the control of the Worcester off-street parking board, or (ii) a facility betterment fee of not more than $3.00 on each ticket to each event held at the DCU center, or (iii) any combination of the above, as determined by the city council, until the city treasurer, with the concurrence of the city manager, shall determine that sufficient amounts will be deposited in the DCU improvement fund in each fiscal year to pay or provide for the principal of and premium and interest payable in that fiscal year on all these bonds and notes and to maintain any reserve established for the purposes of the fund. All receipts from any administrative parking surcharge or facility betterment fee shall be deposited in the DCU improvement fund and applied to the purposes of the fund.

(e) Any amount deposited in the DCU improvement fund in any fiscal year which is determined by the city treasurer to be not required to pay or provide for the principal of and premium and interest on all bonds or notes issued under this act, or to establish and maintain a reserve for this purpose, shall be withdrawn from the fund. Any amount so withdrawn which is attributable to (i) the excise imposed by section 3A of chapter 64G of the General Laws; or (ii) earnings on investment of proceeds of bonds and notes issued under this act; or (iii) earnings on investment of amounts held in the DCU improvement fund; or (iv) amounts described in paragraph (d) shall be deposited in the general fund of the city and applied to expenses incurred by the city to market convention and other events at the DCU center. Any other amount so withdrawn shall be paid to the state treasurer for deposit in the general fund of the commonwealth.

Approved January 3, 2007.

Chapter 423. AN ACT AUTHORIZING THE TOWN OF EAST LONGMEADOW TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of East Longmeadow may grant an additional license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138 to be located within the retail-commercial development known as East Longmeadow Center Village located at 84 Center square in said town. The license shall not be transferable from that area and shall be subject to all of said chapter 138 except said section 17. The license shall not be re-issued to the same location within 6 months from the date the prior license terminated unless the applicant files a letter in writing from the department of revenue with the local licensing authority indicating the prior licensee's good standing with the department.

SECTION 2. This act shall take effect upon its passage.

Approved January 3, 2007.

Chapter 424. AN ACT AUTHORIZING THE TOWN OF WAREHAM TO GRANT CERTAIN ALCOHOLIC BEVERAGES LICENSES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Wareham may grant 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises of establishments located in the area running from state highway route 58 to interstate highway route 495 down to Main street and from Main street over to Mill pond up to Tihonet, including the proposed Business Development Overlay District area.

SECTION 2. The licenses shall be allocated to the following map locations: 1 license to a parcel of land on Map 103, identified as Lot A1, B1, C1, D1 or 1051 and known as the Flagship Cinema site; 3 licenses to a parcel of land on Map 85, identified as Lot 1003A and known as Wareham Crossing; and 1 license to a parcel of land on Map 109, identified as Lot 1000, 1001, 1001-A, 1002 through 1012, 1051, 1052, 1053 or Map 109A, Lot 1038 and known as the extension of the Business Development Overlay District.

SECTION 3. The licenses shall be subject to all of said chapter 138, except said section 17. The licensing authority shall not approve the transfer of the licenses to any other persons, corporations, organizations or locations.

SECTION 4. A license issued under this section, if revoked or no longer in use, shall be returned to the licensing authority. The licensing authority then may grant that li-

cense to a new applicant at the same location so long as the applicant meets the criteria set forth in this act. No such license shall be re-issued to the same location within 6 months from the date the prior license terminated unless the applicant files a letter in writing from the department of revenue with the local licensing authority indicating the prior licensee's good standing with said department.

SECTION 5. This act shall take effect upon its passage.

Approved January 3, 2007.

Chapter 425. AN ACT DESIGNATING THE GARTER SNAKE AS THE OFFICIAL REPTILE OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 2 of the General Laws is hereby amended by adding the following section:- Section 57. The garter snake shall be the official reptile of the commonwealth.

Approved January 3, 2007.

Chapter 426. AN ACT RELATIVE TO CHILD LABOR.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect forthwith certain children in the labor force, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 62 of chapter 149, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "elevator", in line 25, the following words:— ; or (16) in any job or occupation requiring the possession or use of a firearm.

SECTION 2. Said chapter 149 is hereby further amended by striking out section 66, as so appearing, and inserting in place thereof the following section:—

Section 66. A person shall not employ a child or permit a child to work in, about or in connection with any establishment or occupation before 6:00 a.m. or after 10:00 p.m.; provided, however, that a child may be employed as an operator in a regular service telephone exchange or a telegraph office until, but not after, 11:00 p.m.; provided, further, that a child 16 years of age or older may be employed until, but not after, 11:30 p.m. on any night other than a night preceding a regularly scheduled school day; provided, further, that a child 16 years of age or older may be employed in a restaurant or race track until, but not after, 12 o'clock in the evening on any night other than a night preceding a regularly scheduled school day; and provided, further, that an establishment which stops serving clients or customers at

10:00 p.m. may employ a child until, but not after, 10:15 p.m. A person shall not employ a child or permit a child to work in, about or in connection with any establishment or occupation after 8:00 p.m. unless the child is under the direct and immediate supervision of an adult acting in a supervisory capacity, who is situated in the workplace and is reasonably accessible to the child. This section shall not apply to a child employed at a kiosk, cart, or stand located within the common areas of an enclosed shopping mall that employs security personnel, a private security company or a public police detail every night from 8:00 p.m. until the mall is closed to the public.

SECTION 3. Said chapter 149 is hereby further amended by striking out section 78, as so appearing, and inserting in place thereof the following section:—

Section 78. Whoever, by himself or for others, or through agents, servants or foremen, employs, induces or permits any minor to work contrary to sections 60 to 74, inclusive, shall be punished by a fine of not less than $500 nor more than $5,000 or by imprisonment for not more than 1 month, or both. The employment of any minor in violation of said sections, after the person employing such minor has been notified thereof in writing by any authorized inspector or supervisor of attendance, shall constitute a separate offence for every day during which the employment continues. Violations of sections 56 to 105, inclusive, shall be reported by the department to the division of industrial accidents.

SECTION 4. Said chapter 149 is hereby further amended by inserting after section 78 the following section:—

Section 78A. (a) As an alternative to initiating criminal proceedings to enforce any violation of sections 56 to 105, inclusive, or a violation of this chapter for improperly employing a minor for which a criminal penalty is provided, the attorney general may, at his discretion, issue a written warning or a civil citation to the person responsible for the violation. The citation may require immediate compliance with sections 56 to 105, inclusive, and may impose, for each instance in which a minor is required or permitted to work in violation of sections 56 to 105, inclusive, a separate civil penalty of not more than $250 for the first violation; not more than $500 for the second violation; and not more than $2,500 for the third and each subsequent violation. When determining the amount of the civil penalty per violation, the total number of prior violations shall include all violations committed per establishment location during the previous 3 years beginning on the effective date of this section. A person cited shall make payment of the penalty to the commonwealth within 21 days of the date of the citation. Nothing in this section shall limit the remedies contained in section 27C.

(b) A person aggrieved by a citation may appeal the citation by filing a notice of appeal with the attorney general and the division of administrative law appeals within 15 calendar days of the date of issuance of the citation. The appellant shall be granted a hearing before the division of administrative law appeals in accordance with chapter 30A. The hearing officer may affirm or, if the aggrieved person demonstrates by a preponderance of evidence that the citation was erroneously issued, vacate or modify the citation. A person

aggrieved by a decision of the hearing officer may file an appeal in the superior court pursuant to said chapter 30A.

(c) If a civil penalty imposed by a citation remains unpaid beyond the time period specified for payment, the penalty amount and interest thereon at the rate of 18 per cent per annum shall be a lien upon the real estate and personal property of the person who has failed to pay the penalty. The lien shall take effect by operation of law on the day immediately following the due date for payment of the fine, and, unless dissolved by payment, shall as of that date be considered a tax due and owing to the commonwealth, which may be collected through procedures provided for by chapter 62C. An officer of a corporation that has failed to pay the penalty shall not incorporate or serve as an officer in any corporation which did not have a legal existence as of the date the fine became due and owing to the commonwealth.

(d) If a person fails to comply with a citation or to pay a civil penalty imposed thereby within 21 days of the date of the issuance of the citation or within 30 days following a decision of the hearing officer if the citation has been appealed, excluding any time during which judicial review of the hearing officer's decision remains pending, the attorney general may apply for a criminal complaint or seek indictment against the violator for the violation for which the citation was issued, or, in the alternative, may enter a civil complaint in the district or superior court to enforce payment of the citation. The attorney general shall not be required to pay a filing fee. In applying for the criminal complaint, the attorney general shall be entitled to seek all remedies and penalties provided for the violation under this chapter.

SECTION 5. The first paragraph of section 86 of said chapter 149, as appearing in the 2004 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A person shall not employ a child, other than a child over the age of 14 granted an employment permit by the superintendent of schools when the superintendent determines that the welfare of the child will be better served through the granting of the permit, in any place of employment, other than street trades described in section 69; but a child 14 years of age or older in co-operative courses in a public school may be employed by a co-operating establishment upon securing from the superintendent of schools a permit covering the co-operating employment.

SECTION 6. Said first paragraph of said section 86 of said chapter 149, as so appearing, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- A person employing a minor 14 years of age or older shall procure and keep on file, accessible to the supervisors of attendance of the town, to agents of the department of education, and to the attorney general or his authorized agents or inspectors, the permit for employment issued to the minor and shall keep a complete list of the names and ages of all minors so employed.

SECTION 7. Section 87 of said chapter 149, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

An employment permit shall be issued only by the superintendent of schools or by a person authorized by him in writing, or, where there is no superintendent of schools, by a person authorized in writing by the school committee of the town where the child to whom it is issued resides during his employment or the town where the child attends school, or, if the child resides outside the commonwealth, of the town where the child is to be employed; provided, that no member of a school committee or other person authorized as aforesaid shall have authority to issue a permit for a child then in or about to enter that person's own employment or the employment of a firm or corporation of which he is a member, officer or employee. If an employment permit is issued to a minor under 16 years of age authorizing employment in a town other than that of his residence, a duplicate thereof shall be sent forthwith to the superintendent of schools of the town where the employment is authorized. Minors 17 years of age who can show documented proof of a high school diploma or the equivalent thereof to the person issuing employment permits may be employed without the signature of a superintendent of schools or by a person so authorized. The minor shall provide the person issuing employment permits a pledge or promise form, signed by the employer, the prospective employee and his parent or guardian.

SECTION 8. Said section 87 of said chapter 149, as so appearing, is hereby further amended by inserting after the word "promise", in line 17, the following words:— , signed by the prospective employee and his parent or guardian, and.

SECTION 9. Said section 87 of said chapter 149, as so appearing, is hereby further amended by inserting after the word "chapter", in line 22, the following words:— which is summarized on the pledge or promise form.

SECTION 10. Said section 87 of said chapter 149, as so appearing, is hereby further amended by striking out, in line 24, the words "such child" and inserting in place thereof the words:- a minor under 16 years of age.

SECTION 11. Said section 87 of said chapter 149, as so appearing, is hereby further amended by inserting after the word "thereunder", in line 25, the following words:- ; and evidence that a minor 16 years of age or older meets the requirements for the completion of the sixth grade of the public schools of the town in which he resides.

SECTION 12. The second paragraph of said section 87 of said chapter 149, as so appearing, is hereby amended by striking out paragraph (3) and inserting in place thereof the following paragraph:—

(3) For a minor under 16 years of age, a certificate, signed within the previous 12 months, by a school or family physician, or by a physician appointed by the school committee, stating that the minor has been thoroughly examined by the physician and, in his opinion, is in sound health.

SECTION 13. Section 89 of said chapter 149, as so appearing, is hereby amended by striking out, in lines 27 and 28, the word "sixteen" and inserting in place thereof the following figure:— 18.

SECTION 14. Section 94 of said chapter 149, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Supervisors of attendance, representatives of the office of the attorney general, agents of the department of education or of the department of labor, or any authorized agent or inspector of either of those departments may require that the permit for employment and lists of minors employed in any establishment or occupation shall be produced for their inspection.

SECTION 15. Said chapter 149 is hereby further amended by striking out section 95, as so appearing, and inserting in place thereof the following section:—

Section 95. If a minor 16 years of age or older fails to meet the requirements for the completion of the sixth grade, a person shall not employ that minor while a public evening school is maintained in the town where the minor resides or in the town of employment if he is authorized to attend a public evening school therein, unless that minor is a regular attendant at the evening school or at a day school and presents to his employer each week a school record of his attendance. When his record shows unexcused absences, his attendance shall be deemed to be irregular and insufficient, but the person authorized to issue permits for employment, or teachers acting on his authority, may excuse justifiable absence or waive the school attendance requirements if, in the opinion of the school physician, the physical or mental condition of that minor is such as to render attendance harmful or impracticable.

SECTION 16. Section 95A of said chapter 149, as so appearing, is hereby amended by striking out, in line 4, the words "certificate required by section ninety-five" and inserting in place thereof the following words:- permit for employment required by section 86.

SECTION 17. Sections 97 and 98 of said chapter 149 are hereby repealed.

SECTION 18. Section 104 of said chapter 149, as so appearing, is hereby amended by striking out, in line 14, the word "commissioner" and inserting in place thereof the following words:- attorney general.

Approved January 3, 2007.

Chapter 427. AN ACT AUTHORIZING THE TOWN OF SHREWSBURY TO SEND CERTAIN INFORMATION TO THE VOTERS OF THE TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 22A of chapter 55 or section 21C of chapter 59 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Shrewsbury shall, at least 10 days before any election at which a binding or nonbinding question shall be submitted solely to the voters of the town, cause to be printed and sent to each residence of 1 or more voters whose name appears on the latest voting list for the town and make available at each polling place: (1) the full text of the question; (2) a fair and concise summary of the question, including a 1- sentence statement

describing the effect of a yes or no vote, prepared by the town counsel of the town; and (3) arguments for and against the questions as provided in section 2.

SECTION 2. The board of selectmen of the town of Shrewsbury shall cause to be printed and sent, in the manner provided in section 1, arguments for and against each question submitted solely to the voters of the town under any General Law, including, but not limited to, section 21C of chapter 59 of the General Laws. No argument shall contain more than 250 words. The board of selectmen, or, at its request, the town counsel, shall seek written arguments from the principal proponents or opponents of each question. The board of selectmen shall designate a date by which written arguments must be received in a written notice to the principal proponents or opponents. This notice shall be issued at least 14 days before the date by which the written arguments must be received.

For the purpose of this act, the principal proponents and opponents of any question shall be those persons determined by the board of selectmen to be best able to present the arguments for and against the question. The principal proponents or opponents of a question may include a town officer or committee, and the principal proponents may include the first 10 signers or a majority of the first 10 signers of any petition initiating the placement of the question on the ballot. In determining the principal proponents and opponents of a question, the board of selectmen shall contact each ballot question committee, if any, as defined in section 1 of chapter 55 of the General Laws, organized specifically to influence the outcome of the vote on each question. If no argument is received by the board of selectmen within the time allowed by this act, the town counsel shall prepare the argument.

All arguments filed with or prepared by the board of selectmen under this act, and the summary prepared under section 1, shall be open to public inspection at the office of the town clerk of the town.

SECTION 3. The official ballot shall include the summary and statements describing the effect of a yes or no vote as provided in clause (2) of section 1.

SECTION 4. This act shall take effect upon its passage.

Approved January 3, 2007.

Chapter 428. AN ACT FURTHER REGULATING DRIVER EDUCATION AND JUNIOR OPERATOR'S LICENSES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith driver education and junior operator's licenses, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 13D of chapter 71 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following 2 sentences:- The content of driver education courses shall be established by the registrar of motor vehicles. No school committee and no high school, public or private, shall employ a person to conduct a driver education course unless the person is certified by the registrar as a driving instructor.

SECTION 2. The second paragraph of section 8 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out clause (c) and inserting in place thereof the following clause:-

(c) successfully completed a driver education and training course approved by the registrar and presented, in such form as the registrar may require, a certified statement from a parent or guardian, or designee 21 years of age or older if the applicant is an emancipated minor, that in addition to the requirements of the driver education and training course the applicant has completed not less than 40 hours of supervised driving, or 30 hours of supervised driving if the applicant has successfully completed a driver skills development program in a closed, off-road course, as licensed by the registrar pursuant to section 32G 1/2. The registrar shall determine the appropriate method to enforce compliance with the supervised driving requirements provided in this clause. The driver education and training course shall consist of not less than 30 hours of classroom instruction. The driver education and training course shall also consist of not less than 18 hours of on-road instruction conducted by a certified driver education instructor in a motor vehicle. A student shall have not less than 6 hours of observing another student driver and not less than 12 hours of operating a motor vehicle, but no student shall have more than 1 on-road session per day and no session shall be for more than 2 hours in length. The applicant's parent or guardian, or designee where applicable, shall participate in not less than 2 hours of instruction on the content of driver education curriculum. The registrar shall promulgate regulations to establish the appropriate method of providing the instruction and to enforce compliance. The regulations shall exempt a parent or guardian, or designee where appropriate, from receiving the instruction if he has participated within the preceding 5 years.

SECTION 3. Said section 8 of said chapter 90, as so appearing, is hereby further amended by striking out the third and fourth paragraphs and inserting in place thereof the following 2 paragraphs:-

No person holding a junior operator's license shall operate a motor vehicle during the first 6 months of licensure while a person under 18 years of age, other than the operator or an immediate family member of the operator, is present in the vehicle unless also accompanied by another person, duly licensed by his state of residence, who is at least 21 years of age with at least 1 year of driving experience and who is occupying a seat beside the driver. A junior operator who violates this paragraph shall have his license suspended for 60 days for a first offense, for 180 days for a second offense and for 1 year for a third or subsequent offense. The suspension shall be imposed in addition to any other penalty, fine,

suspension, revocation or requirement that may be imposed for such violation. A junior operator whose license is suspended for a second or subsequent violation of this paragraph shall not be eligible for license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of the motor vehicle laws. The passenger restriction provided in this paragraph shall be tolled during any suspension or revocation of a person's junior operator's license. The registrar may exempt a junior operator from the passenger restriction if the junior operator is an emancipated minor.

No person holding a junior operator's license shall operate a motor vehicle between the hours of 12:30 a.m. and 5:00 a.m. unless accompanied by a parent or legal guardian. The holder of a junior operator's license shall have the license in his possession at all times when operating a motor vehicle. A junior operator who violates the time restriction provided in this paragraph shall be deemed to be operating a motor vehicle without being duly licensed under this chapter. In addition to the penalty provided in section 10, the license of a junior operator deemed to be operating a motor vehicle without being duly licensed shall be suspended for 60 days for a first offense, for 180 days for a second offense and for 1 year for a third or subsequent offense; provided, however, that for such operation between the hours of 12:30 a.m. and 1:00 a.m. and between 4:00 a.m. and 5:00 a.m., this paragraph shall be enforced by law enforcement agencies only when a junior operator has been lawfully stopped for a violation of the motor vehicles laws or for some other offense. A junior operator whose license is suspended for a second or subsequent violation of this paragraph shall not be eligible for license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of the motor vehicle laws. The registrar may exempt a junior operator from the time restriction if the junior operator is an emancipated minor.

SECTION 4. Said section 8 of said chapter 90, as so appearing, is hereby further amended by inserting after the sixth paragraph the following paragraph:-

The registrar shall send notice of a suspension of a junior operator's license for a violation of this chapter to the junior operator, and to the junior operator's parent or guardian if the junior operator is not an emancipated minor. The registrar shall include in the notice of suspension of a junior operator's license for a first offense violation under section 17 or section 17A, or under a special regulation under section 18, information on the penalties for a second offense violation of said section 17, 17A or 18.

SECTION 5. Said section 8 of said chapter 90 is hereby further amended by inserting after the word "licensee", in line 125, as so appearing, the following words:- without eyeglasses and.

SECTION 6. The first paragraph of section 8B of said chapter 90, as so appearing, is hereby amended by adding the following sentence:- The holder of a learner's permit who operates a motor vehicle without a duly licensed driver, who is 21 years of age or older, who has at least 1 year of driving experience and who is occupying a seat beside the driver shall be deemed to be operating a motor vehicle without being duly licensed and, in addition to

any fine or penalty, shall have his learner's permit suspended for 60 days for a first offense, for 180 days for a second offense and for 1 year for a third or subsequent offense and shall be required to reapply for his learner's permit before he may be issued a license to operate a motor vehicle pursuant to section 8. Upon a second offense violation, a holder of a learner's permit shall also be required to complete a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of the motor vehicle laws.

SECTION 7. Said section 8B of said chapter 90, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following 2 paragraphs:-

If the applicant is under 18 years of age, the learner's permit shall not entitle him to operate a motor vehicle between the hours of 12 a.m. and 5 a.m., unless accompanied by a parent or legal guardian who holds a valid license and has at least 1 year of driving experience or, in the case of an emancipated minor, unless accompanied by a person who is 21 years of age or older who holds a valid license and has at least 1 year of driving experience, and who occupies the seat beside the driver. The holder of a learner's permit who violates this paragraph shall be deemed to be operating a motor vehicle without being duly licensed and, in addition to any fine or penalty, shall have his learner's permit suspended for 60 days for a first offense, for 180 days for a second offense and for 1 year for a third or subsequent offense and shall be required to reapply for his learner's permit before he may be issued a license to operate a motor vehicle pursuant to section 8. Upon a second offense violation, a holder of a learner's permit shall also be required to complete a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of the motor vehicle laws.

The registrar shall send notice of suspension of a junior operator's learner's permit for a violation of this chapter to the junior operator and to the junior operator's parent or guardian if the junior operator is not an emancipated minor.

SECTION 8. Section 17B of said chapter 90, as so appearing, is hereby amended by adding the following 2 paragraphs:-

Notwithstanding the penalties provided in the first paragraph, a holder of a junior operator's license or learner's permit who commits a violation of this section shall be punished by a fine of not less than $250 for a first offense and the registrar shall suspend the junior operator's license or learner's permit for 1 year. A subsequent violation shall be punished by a fine of not less than $500 and the registrar shall suspend the junior operator's license or learner's permit for 3 years. A holder of a junior operator's license or learner's permit who commits a violation under this section shall also be required to complete the state courts against road rage program sponsored by the trial court and the department of state police.

The registrar shall impose a $500 reinstatement fee upon a junior operator who seeks to have his license or learner's permit reinstated following suspension for a first offense under this section and a $1,000 reinstatement fee shall be imposed upon a junior operator who

seeks to have his license or learner's permit reinstated following suspension for a subsequent violation under this section. A junior operator whose license is suspended under this section shall not be eligible for license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of the motor vehicle laws and until he successfully completes a driving test as required by the registrar. A junior operator whose learner's permit is suspended under this section shall be required to complete a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of the motor vehicle laws and shall be required to reapply for his learner's permit before he may be issued a license to operate a motor vehicle pursuant to section 8.

SECTION 9. Section 20 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words "one hundred nor more than two hundred dollars" and inserting in place thereof the following words:- $100 nor more than $1000.

SECTION 10. Said section 20 of said chapter 90, as so appearing, is hereby further amended by inserting after the word "however", in line 79, the following words:- that a holder of a learner's permit who is convicted of a violation under section 17 or section 17A, or under a special regulation under section 18, shall, in addition to any other penalty, fine, suspension, revocation or requirement that may be imposed for such violation, have his learner's permit suspended for 90 days for a first offense and for 1 year for a subsequent offense and the person shall be required to reapply for his learner's permit before he may be issued a license to operate a motor vehicle pursuant to section 8; and provided further.

SECTION 11. Said section 20 of said chapter 90, as so appearing, is hereby further amended by striking out, in line 81, the words "or 17B".

SECTION 12. Said section 20 of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 84 and 85, the words "a period of 180 days for a second offense and for a period of one year for a third or subsequent offense" and inserting in place thereof the following words:- 90 days for a first offense and 1 year for a subsequent offense and the junior operator shall also be required to complete the state courts against road rage program sponsored by the trial court and the department of the state police. The registrar shall impose a $500 reinstatement fee upon a junior operator who seeks to have his license reinstated following a suspension under this paragraph. A junior operator whose license is suspended pursuant to this paragraph shall not be eligible for license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of the motor vehicle laws and until he successfully completes a driving test as required by the registrar.

SECTION 13. Paragraph (c) of subdivision (2) of section 24 of said chapter 90, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- Notwithstanding the forgoing, a person holding a junior operator's license who is convicted of operating a motor vehicle recklessly or negligently under paragraph (a) shall not be eligible for license reinstatement until 180 days after the date of his original convic-

tion for a first offense or 1 year after the date of revocation following a subsequent conviction within a period of 3 years.

SECTION 14. The first paragraph of section 32G of said chapter 90, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No person, and no public high school, vocational school, municipal or regional school committee or private high school teaching driver education to students enrolled in its academic school program or in a school under its authority or as a continuing education program, shall engage in the business of giving instruction for hire in the operation of motor vehicles without being licensed for that purpose and designated by the registrar as a licensed private driver school, which shall include any form of instruction for compensation, for each class of driver's license recognized under law.

SECTION 15. Said section 32 of said chapter 90, as so appearing, is hereby further amended by inserting after the first paragraph the following paragraph:-

A public high school, vocational school or municipal or regional school committee that previously provided a driver education instruction program pursuant to section 13D of chapter 71 or that wishes to establish a driver education program pursuant to this section shall be licensed and only driving instructors certified by the registrar may provide driver education instruction. A public high school teacher or a vocational school teacher, so certified, shall be exempt from the initial certification fee and each renewal fee, as long as the teacher remains employed by the public high school, vocational school or municipal or regional school committee and provided that the instructor only provides driver education pursuant to his employment as a high school teacher. For the purposes of this section, a private high school that provides driver education instruction to its own students through the school's own academic teachers shall be subject to the same requirements as if the driver education instruction were provided by a public high school, vocational school or municipal or regional school committee, and a private academic teacher providing driver education instruction for a private high school shall be subject to the same requirements as a high school teacher providing driver education instruction on behalf of a public high school, vocational school or municipal or regional school committee, but a driver education instructor in a private high school shall not be exempt from the initial certification fee or any renewal fee for the certificate.

SECTION 16. Said section 32G of said chapter 90, as so appearing, is hereby further amended by inserting after the word "thereof", in line 65, the following words:- or impose a civil administrative penalty.

SECTION 17. Said section 32G of said chapter 90, as so appearing, is hereby further amended by striking out the sixth paragraph and inserting in place thereof the following paragraph:-

Notwithstanding the renewal of a license, the registrar may revoke or suspend a license for causes and violations, as prescribed by this section. The registrar shall establish by regulation the terms and conditions under which a driver education program may operate.

The registrar shall require each program to post a bond to ensure that enrolled students shall have their tuition reimbursed if the program is closed for a license suspension or revocation or any other reason prior to the students' completion of a paid course of study. The registrar may, after an opportunity for a hearing, impose civil administrative penalties not to exceed $5,000 for the failure of a program to comply with the law or regulations governing driver education programs.

SECTION 18. Said section 32G of said chapter 90, as so appearing, is hereby further amended by inserting after the word "licensee", in line 107, the words:- or by a public high school, vocational school or municipal or regional school committee, or by a private high school.

SECTION 19. Said section 32G of said chapter 90, as so appearing, is hereby further amended by inserting after the eleventh paragraph the following 2 paragraphs:-

The registrar may deny the application of a person for a certificate as a driving instructor if, in his discretion, he determines that the applicant:

(a) has made a material false statement or concealed a material fact in connection with his application;

(b) is the former holder of driver school instructor certificate which was revoked or suspended by the registrar;

(c) has been convicted of a felony or of a crime involving violence, dishonesty, deceit, indecency or moral turpitude; or

(d) has failed to furnish satisfactory evidence of good character, reputation and fitness.

No public high school, vocational school, municipal or regional school committee or private high school shall continue to employ a driver school or a driving instructor in a driver education program, if the license of the driver education program or the certificate of the instructor has been suspended, revoked or not renewed by the registrar.

SECTION 20. The twelfth paragraph of said section 32G of said chapter 90, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following 2 sentences:- Except where a refusal to issue or renew the certificate of a driving instructor or a revocation or suspension of the certificate is based solely on a court conviction, a driving instructor or applicant shall be entitled to a hearing upon his written request. The hearing shall be held at such time and place as the registrar shall prescribe and due notice of the hearing shall be sent to the driving instructor or applicant at his last known address at least 10 days before the hearing date.

SECTION 21. Said section 32G of said chapter 90, as so appearing, is hereby further amended by striking out the fourteenth paragraph and inserting in place thereof the following paragraph:-

A licensee, a public high school, vocational school, municipal or regional school committee and private high school shall only use a vehicle for road instruction that is equipped with a functional safety belt for each occupant and an air bag for the driver. The

student driver and each occupant of the vehicle shall wear the safety belt in a properly secured manner whenever the vehicle is in motion.

SECTION 22. Said section 32G of said chapter 90, as so appearing, is hereby further amended by adding the following paragraph:-

The registrar shall establish, by regulation, a driver education curriculum to be used by all persons and entities licensed under this section and shall have exclusive authority over the licensing and disciplining of those persons and entities required to be licensed under this section. The registrar shall establish and administer a standardized written test to students in licensed driver education programs. The test shall be administered at registry branch offices or as directed by the registrar after the completion of the classroom portion of the driver education course. The registrar may use the results of the tests to measure the degree of compliance with the curriculum in driver education instruction. The registrar may utilize the results of the tests to issue driver education certificates and to evaluate the quality of instruction received in the various licensed programs. The curriculum shall include a requirement that schools licensed under this section have the ability to communicate with the registry of motor vehicles by electronic mail to send and receive official records and other communications as the registrar may require. The registrar shall suspend, revoke or otherwise discipline a school or an instructor licensed or certified under this section who fails to comply with the rules and regulations promulgated by the registrar. The registrar shall inspect the programs for compliance and require licensed schools and certified instructors to provide such information, documents and records as the registrar deems necessary to enforce the regulations. The registrar may make such rules and regulations as he deems necessary to ensure compliance with this section.

SECTION 23. Section 32G ½ of said chapter 90, inserted by section 36 of chapter 122 of the acts of 2006, is hereby amended by adding the following paragraph:-

A person who holds a valid learner's permit or a valid driver's license issued by the registrar may be enrolled in the programs. A licensed driver or qualified student driver of any age who is a resident of another state may be enrolled in the program if the person has a valid driver's license or learner's permit issued by another state. A program licensed under this section may accept, at its discretion, a driver who is a resident of a state that does not issue a learner's permit document if the program's administrator is satisfied that the student is legally qualified to operate as a student driver on the roadways of his state of residency. Instruction in a driver skills development program shall not be provided to a person under 18 years of age, whether the person holds a junior operator's license or learner's permit unless the person's parent or guardian has provided written consent to the program's administrator, except that an emancipated minor shall not be required to provide such written consent. No person shall be credited with the completion of a driver skills development program unless the program is licensed and a certificate of successful completion of the program has been submitted to the registrar. Motor vehicles used by such programs shall be equipped with safety belts for both the driver and instructor and no student may operate or

ride in a vehicle unless the safety belt system is in place and each person is secured. The registrar shall provide for the periodic renewal of licenses issued under this section and for the revocation of those licenses and disciplining of licensees for good cause. The registrar shall assess the same fees for driver skills development programs and for instructors as established for licensed driving schools and instructors certified under section 32G. Licensees under this section shall issue certificates of completion to successful students so that the students may be eligible for insurance discounts that may be authorized by the commissioner of insurance. The parent or guardian of the student, or the student himself if he is an emancipated minor, may provide the registrar with evidence that the student has completed the program and the registrar shall waive 10 hours of the required 40 hours of parent or adult-supervised driving pursuant to section 8. The registrar may suspend, revoke or otherwise discipline a program or instructor licensed under this section who fails to comply with the rules and regulations promulgated by the registrar. The registrar may inspect the programs for compliance and shall require licensed programs and instructors to provide such information, documents and records as the registrar deems necessary to enforce this section and the regulations promulgated hereunder.

SECTION 24. The registrar, in cooperation with the governor's highway safety bureau, shall develop and implement a public awareness campaign for student drivers and parents which shall include, but not be limited to, information on the requirements to obtain a learner's permit or a license to operate a motor vehicle under section 8 or section 8B of chapter 90 of the General Laws, information on the fines and punishments which may be imposed for violations of said chapter 90 and information on the major causes of accidents among new drivers, including sleep deprivation, illegal use of alcohol or other substances, excessive speed, weather and road conditions and inexperience.

SECTION 25. There shall be a special commission on the identification of vehicles operated by young drivers which shall study the potential benefits and drawbacks of a decal program to be operated by the registry and which is intended to identify vehicles driven by holders of junior operator's licenses and learner's permits.

The commission shall have 13 members, including the following: the registrar of motor vehicles or his designee, who shall serve as chairperson of the commission; the secretary of public safety or his designee; the secretary of transportation or his designee; the secretary of administration and finance or his designee; 3 members of the house of representatives, 1 of whom shall be appointed by the minority leader; 3 members of the senate, 1 of whom shall be appointed by the minority leader; and 3 members to be appointed by the governor, 1 of whom shall represent AAA southern New England, 1 of whom shall be a representative of a municipal police department and 1 of whom shall be an expert in the matter of the safety of young drivers.

The commission shall convene not later than September 1, 2007 and shall file its final report with the governor and the clerks of the senate and house of representatives not later than June 1, 2008. The report shall be limited to the commission's findings on potential cost

and the impact on public safety of a decal identification program. If the commission finds that the decal identification program is feasible, it shall include recommendations regarding the transferability of the decal.

SECTION 26. There shall be a special commission to study the impact of drowsy driving on highway safety and the effects of sleep deprivation on drivers while operating on the highways, adjacent parking areas and other areas. The commission shall consist of the following: 3 members of the house of representatives, 1 of whom shall be appointed by the minority leader; 3 members of the senate, 1 of whom shall be appointed by the minority leader; the secretary of transportation or his designee; the registrar of motor vehicles or his designee; the commissioner of state police or his designee; the president of the Massachusetts District Attorneys Association or his designee; the president of the Massachusetts Association of Chiefs of Police or his designee; and 3 persons to be appointed by the governor, 1 of whom shall be a member of the medical or academic community with expertise in sleep deprivation research, 1 of whom shall be a representative of the Massachusetts Trial Lawyers Association and 1 of whom shall represent victims who have been injured or killed by drowsy drivers. The commission shall study the impact of drowsy driving on highway safety with respect to determining scientific and legal standards or other evidence that could be used by police officers and the courts in determining the effects of sleep deprivation on drivers, the appropriate sanctions for operating while sleep-deprived and the training requirements to be followed by licensed driver education programs and police training programs with respect to recognition of the symptoms and effects of sleep deprivation on drivers. The commission shall submit its final report, including legislative and administrative recommendations, if any, to the clerk of the house of representatives who shall forward the same to the joint committee on health care financing, the joint committee on the judiciary, the joint committee on transportation and the house and senate committees on ways and means, the governor's highway safety bureau and the registrar of motor vehicles not later than December 1, 2007.

SECTION 27. Section 2 shall apply to persons who apply for junior operators' licenses on or after September 1, 2007. Sections 3 and 4, and sections 7 to 14, inclusive, shall apply to violations committed on or after March 31, 2007.

Approved January 3, 2007.

Chapter 429. AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO GRANT A CERTAIN EASEMENT IN THE TOWN OF BELCHERTOWN.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital asset management and maintenance, in consultation with the administrative office of the trial court, may, notwithstanding sections 40F to 40I, inclusive, of chapter 7 of the General Laws, grant a certain non-exclusive easement in the town of Belchertown to allow the successful development of the former Belchertown state school. The easement may be granted to the Belchertown Economic Development and Industrial Corporation, its successors and assigns, in order to provide access over state property and shall be subject to any additional terms and conditions consistent with this act that the commissioner may prescribe in consultation with the administrative office of the trial court. The easement area contains 70,000 square feet of land and is a portion of that parcel of land described in a plan entitled "Easement Plan Quabbin Resort Development Belchertown, Massachusetts", prepared for Bridgeland Development, LLC, prepared by Holmberg and Howe, Land Surveyors and Civil Engineers, scale 1" = 40', dated September 8, 2006, and on file with the division of capital asset management and maintenance. The exact boundaries of the easement shall be determined by survey to be approved by the commissioner.

SECTION 2. No grant of easement by or on behalf of the commonwealth granting the easement on the property described in section 1 shall be valid unless the grant provides that the easement area shall be used solely for the purposes described in section 1. The grant of easement shall include a stipulation that title to the easement area will revert to the commonwealth if the easement area ceases to be used for the express purposes for which it was conveyed.

SECTION 3. The grantees of the easement shall pay the cost of any appraisals, surveys or other expenses considered necessary by the commissioner for granting the easement.

SECTION 4. The consideration for the easement shall be the full and fair market value of the easement area described in section 1 or its value in use as proposed, whichever is the greater, as determined by the commissioner based upon an independent appraisal.

SECTION 5. The commissioner shall, 30 days before the execution of any agreement authorized by this act or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of the agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereof, the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least 15 days before the execution of the agreement.

Approved January 3, 2007.

Chapter 430. AN ACT RELATIVE TO THE CHARTER OF THE CITY OF NORTHAMPTON.

Be it enacted, etc., as follows:

SECTION 1. Section 10 of chapter 250 of the acts of 1883 is hereby amended by striking out, in lines 5 to 6, the words "and three trustees under the will of Charles E. Forbes" and inserting in place thereof the following words:- 3 trustees under the will of Charles E. Forbes and 2 at large members of the community preservation committee.

SECTION 2. Section 1 of chapter 265 of the acts of 1927 is hereby amended by striking out, in lines 6 to 7, the words "and superintendents of Smith's agricultural school" and inserting in place thereof the following words:-, superintendents of Smith's agricultural school and 2 members of the community preservation committee.

SECTION 3. Said chapter 265 is hereby further amended by adding the following section:-

Section 7. At the biennial municipal election to be held in the year 2007 and every fourth year after 2007, except as otherwise provided in this section, 2 members of the community preservation committee shall be chosen at large for a term of 4 years, in accordance with chapter 253 of the acts of 1984, and shall continue to hold office until their successors are qualified.

Approved January 3, 2007.

Chapter 431. AN ACT EXEMPTING THE POSITION OF DEPUTY POLICE CHIEF IN THE TOWN OF HINGHAM FROM THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

The position of deputy police chief in the town of Hingham shall be exempt from chapter 31 of the General Laws.

Approved January 3, 2007.

Chapter 432. AN ACT RELATIVE TO THE AUTHORITY OF THE TOWN OF AUBURN TO CONVEY A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section 3 of chapter 66 of the acts of 2006 is hereby amended by striking out the words "the period of July 1, 2006, to February 28, 2007,

inclusive" and inserting in place thereof the following words:- a 10 month period, commencing from the date of conveyance of 90 Auburn street to Chao Lee, LLC.

SECTION 2. This act shall take effect upon its passage.

Approved January 3, 2007.

Chapter 433. AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE IN THE TOWN OF SHREWSBURY FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of chief of police in the town of Shrewsbury shall be exempt from chapter 31 of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Approved January 3, 2007.

Chapter 434. AN ACT RELATIVE TO PENALTIES FOR ANIMAL FIGHTING.

Be it enacted, etc., as follows:

SECTION 1. Section 77 of chapter 272 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 26 to 28, inclusive, the words "may, after an appropriate hearing to determine the defendant's fitness for continued custody of the abused animal, be ordered to surrender or" and inserting in place thereof the following word:- shall.

SECTION 2. Section 88 of said chapter 272, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "or trained for fighting" and inserting in place thereof the following words:- , owned, possessed, trained, bred, loaned, sold, exported or otherwise transferred in violation of section 94.

SECTION 3. Said section 88 of said chapter 272, as so appearing, is hereby further amended by striking out the words "birds, dogs or other animals", in lines 13 and 14, and inserting in place thereof the following words:- such animals and all paraphernalia, implements, equipment or other property used or employed, or intended to be used or employed, in violation of section 94.

SECTION 4. Said section 88 of said chapter 272, as so appearing, is hereby further amended by striking out, in lines 14 to 16, inclusive, the words "at any such exhibition or where preparations for such exhibition are being made, or where birds, dogs or other animals are kept or trained for fighting".

SECTION 5. Said chapter 272 is hereby further amended by striking out section 89, as so appearing, and inserting in place thereof the following section:-

Section 89. Any officer authorized to serve criminal process, or any special police officer duly appointed by the colonel of the state police at the request of the Massachusetts Society for the Prevention of Cruelty to Animals, or any municipal officer involved with animal control may, without a warrant, enter any place or building in which there is an exhibition of any fighting birds, dogs or other animals, preparations are being made for such an exhibition, or birds, dogs or other animals are owned, possessed, kept, trained, bred, loaned, sold, exported or otherwise transferred in violation of section 94. Any such officer may arrest all persons there present and take possession of and remove from the place of seizure such animals there found in violation of said section 94, and hold the same in custody subject to the order of court as hereinafter provided.

SECTION 6. Said chapter 272 is hereby further amended by striking out section 91, as so appearing, and inserting in place thereof the following section:-

Section 91. After seizure and removal of animals or property used or employed, or intended to be used or employed, in violation of section 94, application shall be made to a district court for a decree of forfeiture of the animals or property. If, after hearing on the application, notice thereof having been previously given as the court orders, it shall be found that the animals, at the time of seizure, were engaged, or were intended to be engaged, in fighting at an exhibition thereof or the animals were owned, possessed, kept, trained, bred, loaned, sold, exported or otherwise transferred in violation of section 94, such animals shall be adjudged forfeited and the court shall thereupon, unless an appeal is taken as provided in the following section, issue an order for killing them. The order shall be directed to any officer authorized to serve criminal process and the officer receiving such order shall cause the animals to be killed within 24 hours thereafter. Animals or property seized as hereinbefore provided, which are not adjudged forfeited, shall be delivered to the owner or person entitled to the possession thereof. Any person shall be allowed to appear as claimant in the proceeding upon the application for a decree of forfeiture.

SECTION 7. Said chapter 272 is hereby further amended by striking out section 94, as so appearing, and inserting in place thereof the following section:-

Section 94. Whoever: (i) owns, possesses, keeps or trains any bird, dog or other animal, with the intent that it shall be engaged in an exhibition of fighting; (ii) establishes or promotes an exhibition of the fighting of any birds, dogs or other animals; (iii) loans, sells, exports or otherwise transfers any bird, dog or other animal for the purpose of animal fighting; or (iv) owns, possesses or keeps any bird, dog or other animal for the purpose of breeding such animal with the intent that its offspring be used for animal fighting shall be punished by imprisonment in the state prison for not more than 5 years or in the house of correction for not more than 1 year, or by a fine of not more than $1,000 or by both such fine and imprisonment.

Approved January 3, 2007.

Chapter 435. AN ACT DIRECTING THE STATE-BOSTON RETIREMENT BOARD TO RETIRE JAMES J. CAHILL, A FIREFIGHTER OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 7 of chapter 32 of the General Laws or any other general or special law to the contrary, and in order to promote the public good, the State-Boston retirement board shall retire James J. Cahill, a firefighter of the city of Boston, who as a result of injuries sustained while in the performance of his duties on January 31, 1991 and December 6, 1998 is totally and permanently injured and incapacitated for further service as a firefighter. James J. Cahill shall receive a yearly amount of pension equal to the regular rate of compensation which would have been paid had he continued in service as a Boston firefighter at the grade held by him at the time of his retirement. Upon the retirement of James J. Cahill, the retirement board of the city shall immediately pay to him all amounts credited to him in the annuity savings fund of the retirement board of the city.

SECTION 2. James J. Cahill shall be entitled to receive indemnification for all hospital, medical and related expenses that have been, or may be incurred after the date of his retirement as a result of the injuries sustained by him while in the performance of his duties, under section 100 of chapter 41 of the General Laws.

SECTION 3. Upon the death of James J. Cahill, leaving Maureen Cahill, his wife, surviving him, the State-Boston retirement board shall pay to her so long as she remains unmarried, an annuity in the amount of three-fourths of the amount of the pension payable to him at the time of his death, and $530 for each child of James J. Cahill during the time that the child is under 18 years of age or over that age and physically or mentally incapacitated from working. If Maureen Cahill remarries, the city shall pay, in lieu of this annuity to her, an amount equal to the amount of pension payable to James J. Cahill at the time of his death, to and for the benefit of the children of James J. Cahill who are under 18 years of age or physically or mentally incapacitated from working.

Approved January 3, 2007.

Chapter 436. AN ACT RELATIVE TO FARE EVASION ON THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to curb fare evasion on the Massachusetts Bay Transportation Authority, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 101 of chapter 159 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 3, the words "or by the Massachusetts Bay Transportation Authority".

SECTION 2. Said section 101 of said chapter 159, as so appearing, is hereby further amended by inserting after the word "police", in line 17, the following words:- or employees within the instructor, chief inspector or inspector classifications.

SECTION 3. The second paragraph of said section 101 of said chapter 159, as so appearing, is hereby amended by adding the following 3 sentences:- Upon request by a Massachusetts Bay Transportation Authority police officer, a passenger shall make themselves known to police by personal identification or any other means for the purpose of issuing a non-criminal citation. Whoever fails or refuses to make himself known by personal identification or any other means upon demand by a Massachusetts Bay Transportation Authority police officer for the purposes of issuing a non-criminal citation shall be subject to arrest for fare evasion pursuant to section 93. This paragraph does not confer any power of arrest or any other power, other than to inquire as to personal identification and to issue noncriminal citations to fare evaders, on Massachusetts Bay Transportation Authority employees classified as an instructor, chief inspector or inspector.

Approved January 3, 2007.

Chapter 437. AN ACT RELATIVE TO MEDICAL PEER REVIEW COMMITTEES.

Be it enacted, etc., as follows:

SECTION 1 . The definition of "Medical peer review committee" of section 1 of chapter 111 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following sentence:- "Medical peer review committee" shall include a committee of a pharmacy society or association that is authorized to evaluate the quality of pharmacy services or the competence of pharmacists and suggest improvements in pharmacy systems to enhance patient care; or a pharmacy peer review committee established by a person or entity that owns a licensed pharmacy or employs pharmacists that is authorized to evaluate the quality of pharmacy services or the competence of pharmacists and suggest improvements in pharmacy systems to enhance patient care.

SECTION 2. Section 203 of said chapter 111, as so appearing, is hereby amended by adding the following subsection:-

(g) A licensed pharmacy may establish a pharmacy peer review committee to evaluate the quality of pharmacy services or the competence of pharmacists and suggest improvements in pharmacy systems to enhance patient care. The committee may review documentation of quality-related activities in a pharmacy, assess system failures and personnel deficiencies, determine facts, and make recommendations or issue decisions in a

written report that can be used for contiguous quality improvement purposes. A pharmacy peer review committee shall include the members, employees, and agents of the committee, including assistants, investigators, attorneys, and any other agents that serve the committee in any capacity.

SECTION 3. Section 204 of said chapter 111, as so appearing, is hereby amended by inserting after the word "medicine" in lines 7, 12 and 28 the following word:- , pharmacy.

Approved January 3, 2007.

Chapter 438. AN ACT REGULATING VEHICLE PROTECTION PRODUCT WARRANTIES.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 174B the following chapter:-

Chapter 174C

Vehicle Protection Product Warranties Act.

Section 1. As used in this chapter, the following words shall, unless the context otherwise requires, have the following meanings:-

"Administrator", a third party other than the warrantor who is designated by the warrantor to be responsible for the administration of its vehicle protection product warranties.

"Incidental costs", expenses specified in the vehicle protection product warranty and incurred by the warranty holder that relate to the failure of the vehicle protection product to perform as provided in the warranty. Incidental costs may include insurance policy deductibles, rental vehicle charges, the difference between the actual value of the stolen vehicle at the time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction fees and mechanical inspection fees.

"Vehicle protection product", a vehicle protection device, system or service installed on or applied to a vehicle that is designed to prevent loss or damage to a vehicle from a specific cause, and sold with a vehicle protection product warranty. Such products include, but are not limited to, alarm systems, body part marking products, steering locks, window etch products, pedal and ignition locks, fuel and ignition kill switches and electronic, radio and satellite tracking devices.

"Vehicle protection product warranty", a written warranty by a warrantor that provides for the payment of incidental costs or the provision of services by the warrantor to or for the benefit of the warranty holder if the vehicle protection product fails to prevent loss or damage to a vehicle from a specific cause.

"Warrantor", a person who is contractually obligated to the warranty holder under the terms of the vehicle protection product warranty. Warrantor does not include an authorized insurer.

"Warranty holder", a person who purchases a vehicle protection product warranty or to whom it is transferred under the terms of the warranty.

"Warranty reimbursement insurance policy", a policy of insurance issued to a warrantor to provide reimbursement to the warrantor consistent with the terms of its vehicle protection product warranties and provide direct payment of incidental costs or provision of services to the warranty holder on behalf of the warrantor if the warrantor fails to perform as obligated under the terms of the vehicle protection product warranty within 60 days of a request for payment or services.

Section 2. (a) A vehicle protection product warranty is required for all vehicle protection products sold or offered for sale in the commonwealth and shall:

(1) identify the warrantor, the seller of the vehicle protection product, the warranty holder and the terms of the sale and the warranty;

(2) conspicuously state that the obligations of the warrantor to the warranty holder are guaranteed under a warranty reimbursement insurance policy if the warrantor elects to use a warranty reimbursement insurance policy to demonstrate financial responsibility under section 4;

(3) conspicuously state that if the warrantor fails to perform under the terms of the warranty within 60 days of a request for payment or services, the warranty holder may seek payment or services directly from the insurer through the warrantor's warranty reimbursement insurance policy and the insurer shall make payment or provide services directly to the warranty holder on behalf of the warrantor if the warrantor elects to use a warranty reimbursement insurance policy to demonstrate financial responsibility under section 4;

(4) conspicuously state the name and address of the insurer issuing the warranty reimbursement insurance policy if the warrantor elects to use a warranty reimbursement insurance policy to demonstrate financial responsibility under section 4; and

(5) disclose how the incidental costs are to be calculated for reimbursement, which may be, without limitation, a fixed amount specified in the warranty or sales agreement, or by the use of a formula itemizing specific incidental costs incurred by the warranty holder.

(6) not require as a condition of financing that a retail purchaser of a motor vehicle purchase a vehicle protection product.

(7) contain the following disclosure in bold type of a minimum font size of 10 points:

"THIS AGREEMENT IS A PRODUCT WARRANTY AND IS NOT INSURANCE."

Section 3. (a) A vehicle protection product sold or offered for sale in the commonwealth shall have its warranty liability backed by a warranty reimbursement insurance policy issued by an insurer authorized to do business in the commonwealth who has filed its policy form with the division of insurance, or the warrantor shall demonstrate

proof of financial responsibility through meeting a minimum net worth requirement as required in section 4.

(b) The warrantor shall perform as obligated under the warranty within 60 days of a warranty holder's request for payment or services under the terms of the warranty. If the warrantor fails to perform under the terms of the warranty within 60 days of the request and if the warrantor has elected to demonstrate its financial responsibility through maintaining a warranty reimbursement insurance policy under section 4, the warranty holder may seek payment or services directly from the insurer through the warrantor's warranty reimbursement insurance policy and the insurer shall make payment or provide services directly to or for the benefit of the warranty holder on behalf of the warrantor.

(c) Vehicle protection product warranties that meet the requirements of this chapter shall not be subject to chapter 140D, 174, 175, or 176. Vehicle protection product warranties are express warranties and not insurance.

Section 4. (a) A vehicle protection product shall not be sold, or offered for sale in the commonwealth unless the warrantor either covers the warrantor's warranty liability with a warranty reimbursement insurance policy or maintains a minimum net worth in order to ensure adequate performance under the warranty under the conditions set forth in this section. No other financial security requirements or financial standards for warrantors shall be required.

(b) A warranty reimbursement insurance policy shall state that:-

(1) the insurer issuing the warranty reimbursement insurance policy shall, in the event of warrantor's failure to do so, reimburse or pay on behalf of the warrantor all incidental costs that the warrantor is legally obligated to pay or shall provide the service that the warrantor is legally obligated to perform under the vehicle protection product warranty; and

(2) if the warrantor fails to perform under the terms of the warranty within 60 days of a request for payment or services, the warranty holder may seek payment or services directly from the insurer through the warrantor's warranty reimbursement insurance policy and the insurer shall make payment or provide services directly to the warranty holder on behalf of the warrantor.

(c) If the vehicle protection product warrantor elects to demonstrate financial responsibility by maintaining a minimum net worth, the warrantor, or its parent company shall maintain a net worth or stockholders' equity of not less than $30,000,000.

Section 5. (a) A warrantor shall register with the state secretary on a form prescribed by the secretary.

(b) Warrantor registration records shall be filed annually and shall be updated within 30 days of any change. The registration records shall contain the following information:

(1) the warrantor's name, including a fictitious or assumed name under which the warrantor does business in the commonwealth, principal office address, and telephone number;

(2) the name, address, and telephone number of administrators designated by the warrantor to be responsible for the administration of vehicle protection product warranties

in the commonwealth;

(3) the name, address, and telephone number of the insurer issuing the warranty reimbursement insurance policy if the warrantor is meeting the financial responsibility requirements of section 4 by using a warranty reimbursement insurance policy;

(4) a copy of the warranty reimbursement insurance policy or policies or other financial information required by sections 4 or 5;

(5) a statement indicating whether the warrantor elects to maintain a minimum net worth or a warranty liability reimbursement insurance policy as required under section 4;

(6) if the warrantor elects to meet the financial responsibility requirements of section 4 through the minimum net worth requirement, the warrantor shall file a sworn statement of a duly authorized officer of the company or its independent auditor that the company meets the minimum net worth requirement of section 4 along with the financial records specified in this subsection. In place of filing financial records, the warrantor may provide a record reference for locating the records at the Securities and Exchange Commission; the records the warrantor shall provide to the state secretary are a copy of the warrantor's or the warrantor's parent company's most recent form 10-K or form 20-F filed with the Securities and Exchange Commission within the last calendar year or, if the warrantor does not file with the Securities and Exchange Commission, a copy of the warrantor or the warrantor's parent company's audited financial statements that shows a net worth of the warrantor or its parent company of at least $30,000,000. If the warrantor's parent company's form 10-K, form 20-F, or audited financial statements are filed to meet the warrantor's financial stability requirement, then the parent company shall agree to guarantee the obligations of the warrantor relating to warranties issued by the warrantor in the commonwealth; the private financial information filed under this subsection which is not otherwise a public record shall be confidential as a trade secret of the entity filing the information and not subject to public disclosure.

(c) The state secretary may charge each registrant a reasonable fee to offset the cost of processing the registration and maintaining the records in an amount not to exceed $250 annually.

Section 6. (a) The state secretary, in his discretion, may make public or private investigation within or outside of the commonwealth as he considers necessary to determine whether a person has violated or is about to violate this chapter. For purposes of an investigation or proceeding, the secretary or an officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of books, papers, correspondence, memoranda, agreements or other documents or records which the secretary considers relevant or material to the inquiry. In the case of contumacy by or refusal to obey a subpoena issued to a person, the superior court for the county in which the person is found or is an inhabitant or transacts business, upon application by the secretary, may issue to the person an order requiring him to appear before the secretary, or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence concerning the matter under investigation or in question. Failure

to obey the order of the court may be punished by the court as a contempt of court.

(b) If the state secretary determines, after notice and opportunity for hearing, that a person has engaged in or is about to engage in an act or practice constituting a violation of this chapter, he may order that person to cease and desist from the unlawful act or practice and may take affirmative action, including the imposition of an administrative fine, the issuance of an order for accounting, disgorgement or recession or other relief as in his judgment may be necessary to carry out this chapter. An administrative fine imposed pursuant to this chapter shall not exceed $5,000 for each violation.

(c) In addition, a person whom the state secretary has investigated who has been found to have violated this chapter shall pay for all costs incurred in the conduct of the investigation. The costs shall include, but not be limited to, the salaries and other compensation paid to clerical, administrative, investigative and legal personnel of the secretary in the conduct of the investigation.

SECTION 2. (a) This act shall apply only to a vehicle protection product warranty purchased on or after its effective date. The failure of a person to comply with this act before its effective date shall not be admissible in a court proceeding, administrative proceeding, arbitration, or alternative dispute resolution proceeding and may not otherwise be used to prove that the action of a person or the affected vehicle protection product was unlawful or otherwise improper; but this shall not imply that a vehicle protection product warranty was insurance before the effective date of this act.

SECTION 3. This act shall take effect on June 1, 2007.

Approved January 3, 2007.

Chapter 439. AN ACT AUTHORIZING RECALL ELECTIONS IN THE TOWN OF UPTON.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elected office in the town of Upton may be recalled, and removed from that office, by the qualified voters of the town as provided in this act.

SECTION 2. Any 30 registered voters may initiate a recall petition by filing with the town clerk of the town of Upton an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall.

After the town clerk has certified the affidavit, the town clerk shall, within 2 business days, deliver to the voter first named on the affidavit a sufficient number of copies of petition blanks demanding the recall. These blanks shall be issued by the town clerk with the town clerk's signature and official seal attached to them; they shall be dated and addressed to the selectmen of the town, shall contain the name of the person to whom issued, the name of the person sought to be recalled, the office from which recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor to the office. A copy of

the petition shall be entered in a record book to be kept in the office of the town clerk.

The recall petition shall be returned and filed with the town clerk on or before 5:00 p.m. on the thirtieth day after the filing of the affidavit. If the thirtieth day is a Saturday, Sunday, or a holiday, the petition may be filed on the next business day.

The petition, before being returned and filed, shall be signed by 15 per cent of the registered voters, and to every signature shall be added the place of residence of the signer, giving the street and number.

The town clerk shall, within 1 business day after the date of its filing with the town clerk, submit the recall petition to the board of registrars of voters in the town, which shall, within 5 business days after the day of receipt, certify in writing on it the number of signatures which are those of registered voters in the town as of the date the affidavit was filed with the town clerk. The board of registrars of voters shall, upon completion of its certification, return the petition to the town clerk.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, the town clerk shall submit it, with the town clerk's certificate on it, to the selectmen without delay, and the selectmen shall immediately give to the elected officer whose recall is sought written notice of the receipt of the certificate and shall, if the officer sought to be removed does not resign within 5 days after receipt of the notice, order a special election to be held not less than 65 days nor more than 75 days after the date of the town clerk's certificate that a sufficient petition has been filed, but if any other town election is to occur within 90 days after the date of the certificate, the selectmen may, in their discretion, postpone the holding of the removal election to the date of that other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this act.

SECTION 4. Any officer sought to be recalled may be a candidate to succeed himself or herself, and, unless the officer requests otherwise in writing, the town clerk shall place that officer's name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the election shall all be in accordance with the law relating to elections, unless otherwise provided by this act.

SECTION 5. The incumbent shall continue to perform the duties of the office until the recall election. If the recall fails, or if the incumbent is re-elected, the incumbent shall continue in the office for the remainder of the unexpired term, subject to recall as before, except as otherwise provided in this act. If not re-elected in the recall election, the incumbent shall be considered removed upon the qualification of a successor, who shall hold office during the unexpired term. If the successor fails to qualify within 5 days after receiving notification of election, the incumbent shall be considered removed and the office vacant.

SECTION 6. Ballots used in a recall election in the town shall submit the following proposition in the order indicated: For the recall of (name of Officer); Against the recall of

(name of officer).

Immediately at the right of each proposition, there shall be an oval which the voter may fill to vote for either of such proposition. Just above said ovals, there shall appear the direction "vote for one". Under the proposition shall appear the word "Candidates" and the direction to voters required by section 42 of chapter 54 of the General Laws and beneath this the names of candidates nominated as provided in this act. In case of other forms of balloting, appropriate provision shall be made to allow the same intent of the voter.

If a majority of the votes cast on the recall question is in the affirmative, then the candidate who received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes cast on the recall question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted.

SECTION 7. No recall petition shall be filed against an officer within 6 months after that officer takes office, nor, in the case of an officer subjected to a recall

election and not recalled by that election, until at least 6 months after the election at which the recall was submitted to the voters.

SECTION 8. No person who has been removed from an office or who has resigned from office while recall proceedings were pending against that person shall be appointed to any town office within 2 years after the removal or resignation.

Approved January 3, 2007.

Chapter 440. AN ACT CLARIFYING THE RETIREMENT STATUS OF A DISABLED NORWOOD POLICE OFFICER.

Be it enacted, etc., as follows:

Notwithstanding chapter 301 of the acts of 2004, former Norwood police officer Joseph Fernandes shall remain a member of the Norwood retirement system and all benefits due to officer Joseph Fernandes or his survivors under chapter 32 of the General Laws or said chapter 301 shall be paid by the Norwood retirement board, and not by the town of Norwood.

Approved January 3, 2007.

Chapter 441. AN ACT ESTABLISHING A SICK LEAVE BANK FOR ANNETTE V. FIELDING, AN EMPLOYEE OF THE DEPARTMENT OF SOCIAL SERVICES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of social services, therefore it is hereby declared to be an emergency law, necessary for the immediate

preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the department of social services shall establish a sick leave bank for Annette V. Fielding, an employee of the department of social services. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the leave bank for use by Annette V. Fielding. Whenever Annette V. Fielding terminates employment with the department or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the extended illness leave bank.

Approved January 3, 2007.

Chapter 442. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF SANDWICH.

SECTION 1. Section 4.1 of section 1 of chapter 137 of the acts of 2002, is hereby amended by striking out, in line 2, the words "; a tax collector".

SECTION 2. Section 4.6 of said section 1 of said chapter 137 is hereby repealed.

SECTION 3. The elected tax collector holding office as of the effective date of this act shall continue in office until the expiration of her elected term or until her resignation, whichever occurs first.

SECTION 4. This act shall take effect upon its passage.

Approved January 3, 2007.

Chapter 443. AN ACT ESTABLISHING A SICK LEAVE BANK FOR MICHAEL F. LEAVITT, AN EMPLOYEE OF THE DEPARTMENT OF MENTAL RETARDATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of mental retardation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the department of mental retardation shall establish a sick leave bank for Michael F. Leavitt, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Michael F. Leavitt.

Whenever Michael F. Leavitt terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved January 3, 2007.

Chapter 444. AN ACT ESTABLISHING A SICK LEAVE BANK FOR MAUREEN BAMBERY, AN EMPLOYEE OF THE TRIAL COURT OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Maureen Bambery, an employee of the Dedham division of the district court department of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Maureen Bambery. Whenever Maureen Bambery terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.

Approved January 3, 2007.

Chapter 445. AN ACT ESTABLISHING A SICK LEAVE BANK FOR MERIDYTH L. REITH, AN EMPLOYEE OF THE STATE FIRE MARSHAL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately establish a sick leave bank for a certain employee of the state Fire Marshal, therefore it is hereby declared to be an emergency law, necessary for immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the state fire marshal shall establish a sick leave bank for Meridyth L. Reith, an employee of the state fire marshal. Any employee of the state fire marshal may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Meridyth L. Reith.

Whenever Meridyth L. Reith terminates employment with the state fire marshal or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.

Approved January 3, 2007.

Chapter 446. AN ACT AUTHORIZING CREDITABLE SERVICE FOR RICHARD SPICER.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the retirement board of the town of Norwood shall credit Richard Spicer with creditable service for the period of March 2, 1976 to March 1, 1977, inclusive, for the purpose of determining his superannuation retirement allowance under paragraph (a) of subdivision (2) of section 5 of chapter 32 of the General Laws. Before the date that any retirement allowance becomes effective for Richard Spicer, he shall pay into the annuity savings fund of the retirement system of the town in 1 sum or installments, upon such terms and conditions as the board may prescribe, an amount equal to that which would have been withheld as regular deductions from his regular compensation for such previous service, plus interest.

Approved January 3, 2007.

Chapter 447. AN ACT ESTABLISHING A SICK LEAVE BANK FOR MICHAEL RAFFERTY, AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of correction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the department of correction shall establish a sick leave bank for Michael Rafferty, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Michael Rafferty. Whenever Michael Rafferty terminates employment with the department or requests to dissolve the sick leave bank, the balance shall be transferred to the extended illness leave bank.

Approved January 3, 2007.

Chapter 448. AN ACT RELATIVE TO LIFE INSURANCE COMPANIES.

Be it enacted, etc., as follows:

Section 63 of chapter 175 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after paragraph 14F the following paragraph:-

14G. In bonds, notes, evidences of indebtedness or contractual obligations for the payment of money issued, assumed or guaranteed by institutions as defined in paragraph (1) of section 63A organized under the laws of the United States, or any state thereof, or of the Dominion of Canada or any province thereof; if the bonds, notes, evidences of indebtedness or contractual obligations for the payment of money or the long-term debt of the institution or institutions issuing, assuming or guaranteeing the bonds, notes, evidences of indebtedness or contractual obligations for the payment of money are either:

(1) initially rated at least BBB- or Baa3 or the equivalent thereof by any of the nationally recognized statistical rating organizations recognized by the Securities Valuation Office of the National Association of Insurance Commissioners hereinafter referred to as NAIC-SVO;

(2) initially rated NAIC 1 or NAIC 2 subsequent to such acquisition, either by the NAIC-SVO or by the insurer pursuant to a filing exemption in accordance with the requirements of the NAIC-SVO; or

(3) are provisionally rated NAIC 1Z or NAIC 2Z by the insurer in accordance with the requirements of the NAIC-SVO. In the event that the provisionally rated bonds, notes, evidences of indebtedness or contractual obligations for the payment of money or the long-term debt of the institution or institutions issuing, assuming or guaranteeing the bonds, notes, evidences of indebtedness or contractual obligations for the payment of money subsequently fail to qualify under clause (1) or clause (2) after any appeal by the insurer within the applicable time periods specified by the NAIC-SVO, then the bonds, notes, evidences of indebtedness or contractual obligations for the payment of money shall no longer qualify as permitted investments under this paragraph; but no company may invest more than an aggregate of 2 per cent of its admitted assets in bonds, notes, evidences of indebtedness or contractual obligations for the payment of money issued, guaranteed or insured by any one institution pursuant to this paragraph.

Approved January 3, 2007.

Chapter 449. AN ACT RELATIVE TO HORSE AND GREYHOUND RACING IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further regulate horse and dog racing, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 5C of chapter 128A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- An individual who has established a betting account with a racing meeting licensee may deposit money into said account through the use of a credit card or debit card issued by a federal or state-chartered bank and a racing meeting licensee may collect and deposit money received in such a manner at the licensee's racetrack or through the telephone, Internet or other telecommunications media.

SECTION 2. Section 2 of chapter 128C of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 45 to 47, inclusive, the words "2 interstate running horse simulcasts prior to 4:00 p.m. on any day during the dark season of the Suffolk county running horse racing meeting" and inserting in place thereof the following words:- 4 interstate running horse simulcasts prior to 4:00 p.m. on any day the Suffolk county running horse racing meeting licensee does not conduct live races.

SECTION 3. Said section 2 of said chapter 128C, as so appearing, is hereby further amended by striking out, in line 54, the figure "6" and inserting in place the following figure:- 3.

SECTION 4. Said section 2 of said chapter 128C, as so appearing, is hereby further amended by striking out, in line 81, the figure "4" and inserting in place the following figure:- 5

SECTION 5. Said section 2 of said chapter 128C, as so appearing, is hereby further amended by striking out, in line 87, the figure "2" and inserting in place the following figure:- 3.

SECTION 6. Said section 2 of said chapter 128C, as so appearing, is hereby amended by inserting after the word "simulcasts", in line 90, the following words:- ; but if the licensee simulcasts a fifth interstate greyhound simulcast on any single calendar day then the licensee shall pay to the greyhound dog racing meeting licensee in Bristol county a 4 per cent premium for only that fifth interstate greyhound simulcast signal received, over and above the costs of obtaining that signal.

SECTION 7. Said section 2 of said chapter 128C, as so appearing, is hereby further amended by striking out, in lines 153 to 185, inclusive, the words "provided, however, that no racing meeting licensee shall simulcast live races in any racing season unless each racing meeting licensee, with the exception of the running horse racing licensee in Suffolk county and the harness horse racing licensee in Norfolk county, in each of those racing seasons is licensed to and actually conducts not less than a total of 150 racing performances taking place on at least 150 racing days; and provided, further, that the running horse racing meeting licensee in Suffolk county and the harness horse racing licensee in Norfolk county may simulcast live races in any racing season provided that each racing meeting licensee conducts

at least 1,100 live horse races over the course of no fewer than 100 calendar days during that racing season with no fewer than 7 races completed on any of those 100 calendar days." and inserting in place thereof the following words:-provided, however, that no racing meeting licensee shall simulcast live races in any racing season unless the racing meeting licensee is licensed to and actually conducts at least 900 live races over the course of not less than 100 calendar days during that racing season with no fewer than 7 races completed on any of those 100 calendar days.

SECTION 8. The first paragraph of section 12A of chapter 494 of the acts of 1978 is hereby amended by striking out the words ", and until December 31, 2006", inserted by section 1 of chapter 54 of the acts of 2006, and inserting in place thereof the following words:- , and until December 31, 2008.

SECTION 9. The last paragraph of said section 12A of said chapter 494 is hereby amended by striking out the words "December 31, 2006", inserted by section 2 of said chapter 54, and inserting in place thereof the following words:- December 31, 2008.

SECTION 10. The introductory paragraph of section 13 of said chapter 494 is hereby amended by striking out the words ", and until December 31, 2006", inserted by section 3 of said chapter 54, and inserting in place thereof the following words:- , and until December 31, 2008.

SECTION 11. Section 15 of said chapter 494 is hereby amended by striking out the words ", and until December 31, 2006", inserted by section 4 of said chapter 54, and inserting in place thereof the following words:- , and until December 31, 2008.

SECTION 12. The first paragraph of section 9 of chapter 277 of the acts of 1986 is hereby amended by striking out the words ", and until December 31, 2006", inserted by section 5 of said chapter 54, and inserting in place thereof the following words:- , and until December 31, 2008.

SECTION 13. The first sentence of the first paragraph of section 3 of chapter 114 of the acts of 1991 is hereby amended by striking out the words ", and until December 31, 2006", inserted by section 6 of said chapter 54, and inserting in place thereof the following words:- , and until December 31, 2008.

SECTION 14. The last paragraph of said section 3 of said chapter 114 is hereby amended by striking out the words "December 31, 2006", inserted by section 7 of said chapter 54, and inserting in place thereof the following words:- December 31, 2008.

SECTION 15. The first paragraph of section 4 of said chapter 114 is hereby amended by striking out the words ", and until December 31, 2006", inserted by section 8 of said chapter 54, and inserting in place thereof the following words:- , and until December 31, 2008.

SECTION 16. The last paragraph of said section 4 of said chapter 114 is hereby amended by striking out the words "December 31, 2006", inserted by section 9 of said chapter 54, and inserting in place thereof the following words:- December 31, 2008.

SECTION 17. The first paragraph of section 5 of said chapter 114 is hereby amended by striking out the words ", and until December 31, 2006", inserted by section 10 of said chapter 54, and inserting in place thereof the following words:- , and until December 31, 2008.

SECTION 18. Section 13 of chapter 101 of the acts of 1992 is hereby amended by striking out the words "December 31, 2006", inserted by section 11 of said chapter 54, and inserting in place thereof the following words:- December 31, 2008.

SECTION 19. Section 45 of chapter 139 of the acts of 2001 is hereby amended by striking out the words "December 31, 2006", inserted by section 12 of said chapter 54, and inserting in place thereof the following words:-December 31, 2008.

SECTION 20. Notwithstanding any general or special law to the contrary, for the purposes of this act and any extension of simulcast horse racing signals in section 2 of chapter 128C of the General Laws, the existing practices used and adopted by the state racing commission shall remain in full force and effect until December 31, 2008.

SECTION 21. This act shall take effect as of March 31, 2006.

Approved January 3, 2007.

Chapter 450. AN ACT FURTHER REGULATING HEALTH CARE ACCESS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to implement forthwith improved access to health care, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 12 of chapter 62E of the General Laws, as amended by section 14 of chapter 324 of the acts of 2006, is hereby further amended by inserting after the first paragraph the following paragraph:—

Notwithstanding any general or special law to the contrary, data gathered as part of the wage reporting system may be used for purposes of evaluating employment and earnings outcomes of programs within the Massachusetts workforce development system. The commissioner may provide access to data gathered as part of the wage reporting and financial institution match system for research and statistical purposes relating to administration of the tax laws, public assistance programs of the commonwealth or any political subdivision thereof or their respective agencies, workers' compensation laws or the child support enforcement program of the commonwealth; but, the data shall be released without personal identifiers. The department of revenue may share wage reporting data with the division of

unemployment assistance, the division of career services and the department of education in the performance of their official duties.

SECTION 2. Chapter 118G of the General Laws is hereby amended by striking out sections 6B and 6C, inserted by section 42 of chapter 58 of the acts of 2006, and inserting in place thereof the following 2 sections:—

Section 6B. Notwithstanding any general or special law to the contrary, an applicant for uncompensated care pool assistance, if eligible, shall be enrolled in MassHealth under section 9A of chapter 118E, the insurance reimbursement program under section 9C of said chapter 118E or the commonwealth care health insurance program under chapter 118H. An applicant deemed ineligible for these programs and who is unable to make all or part of the payment for health services shall provide the name and address of his employer, if any, and his name, address and date of birth. The division shall collaborate with the division of insurance and the department of revenue to implement this section and sections 6C and 18.

Section 6C. (a) The division shall prepare a form, to be called the employer health insurance responsibility disclosure, on which an employer shall report whether it is in compliance with chapter 151F and any other information required by the division relative to sections 6B and 18B. The form shall be completed, signed and returned to the division by every employer with more than 10 employees.

(b) The division shall prepare a form, to be called the employee health insurance responsibility disclosure, on which an employee of employers with more than 10 employees who declines an employer-sponsored health plan shall report whether he has an alternative source of health insurance coverage. The form shall be completed and signed by the employee and shall be retained by the employer for 3 years. The division may request a copy of the signed employee form.

(c) Information that identifies individual employees by name or health insurance status shall not be a public record, but the information may be exchanged with the department of revenue and the health care access bureau in the division of insurance under an interagency service agreement for the purposes of enforcing this section and sections 6B and 18B. Nothing in this section shall prevent the implementation of section 304 of chapter 149 of the acts of 2004. An employer who knowingly falsifies or fails to file with the division any information required by this section or by any regulation promulgated by the division shall be punished by a fine of not less than $1,000 nor more than $5,000.

SECTION 3. Paragraph (a) of subdivision (2) of section 108 of chapter 175 of the General Laws is hereby amended by striking out clause (3), as most recently amended by section 33 of chapter 324 of the acts of 2006, and inserting in place thereof the following clause:–

(3) It purports to insure only 1 person, except that a policy, excluding contracts which provide stand-alone dental services, shall insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be considered the policyholder, 2 or more eligible members of that family, including the policyholder, spouse,

dependent children and other dependent persons, children during pendency of adoption procedures under chapter 210, children under 26 years of age or for 2 years following loss of dependent status under the Internal Revenue Code, whichever occurs first, and children who are mentally or physically incapable of earning their own living, if due proof of the incapacity is received by the insurer within 31 days of the date upon which the coverage would otherwise be terminated; and.

SECTION 4. Subdivision (O) of section 110 of said chapter 175, inserted by section 50 of chapter 58 of the acts of 2006, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:– An insurer authorized to issue or deliver within the commonwealth any general or blanket policy of insurance under this section may only contract to sell any general or blanket policy of insurance, except policies or certificates which provide stand-alone dental services, with an employer if the insurance is offered by that employer to all full-time employees who live in the commonwealth; provided, however, the employer shall not make a smaller health insurance premium contribution percentage amount to an employee than the employer makes to any other employee who receives an equal or greater total hourly or annual salary for each specific or general blanket policy of insurance for all employees.

SECTION 5. Said section 110 of said chapter 175 is hereby further amended by striking out subdivision (P), inserted by section 34 of chapter 324 of the acts of 2006, and inserting in place thereof the following subdivision:-

(P) A blanket or general policy of insurance described in subdivision (A), (C) or (D), except policies or certificates which provide stand-alone dental services or coverage to Medicare or other governmental programs which shall be delivered, issued or renewed in the commonwealth, shall provide, as benefits to all group members having a place of employment in the commonwealth, coverage to persons under 26 years of age or for 2 years after the loss of dependent status under the Internal Revenue Code, whichever occurs first.

SECTION 6. Chapter 58 of the acts of 2006 is hereby amended by striking out section 142, as appearing in section 66 of chapter 324 of the acts of 2006, and inserting in place thereof the following section:—

Section 142. Sections 46, 49, 53, 56, 58, 62, 63, 64, 65, 66, 67, 69, 70, 73, 76, 77, 78, 79, 80, 83, 84 and 87 shall take effect as of January 1, 2007.

SECTION 7. Said chapter 58 is hereby further amended by striking out section 145, as appearing in section 68 of said chapter 324, and inserting in place thereof the following section:—

Section 145. Sections 12, 22, 23, 32, 33, 35, 41, 42, 44, 48, 50, 52, 55, 59, 60A, 68, 72, 74, 82, 85, 86, 89 and 90 shall take effect on July 1, 2007.

SECTION 8. Section 25 of said chapter 324 is hereby repealed.

SECTION 9. Said chapter 324 is hereby further amended by striking out sections 77 to 79, inclusive, and inserting in place thereof the following 3 sections:—

Section 77. Sections 65 to 69, inclusive, shall take effect as of April 12, 2006.

Section 78. Sections 10, 33, 34, 36, 38, 40, 43, 45, 48 and 49 shall take effect on January 1, 2007.

Section 79. Sections 16, 22, 23, 24, 26, 44, 46, 47 and 50 shall take effect on July 1, 2007.

SECTION 10. Sections 6 and 7 shall take effect as of April 12, 2006.

SECTION 11. Sections 1, 8 and 9 shall take effect as of October 26, 2006.

SECTION 12. Section 3 and section 5 shall take effect as of January 1, 2007.

SECTION 13. Section 2 and section 4 shall take effect on July 1, 2007.

Approved January 3, 2007.

Chapter 451. AN ACT AUTHORIZING THE CITY OF NEW BEDFORD TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the city of New Bedford may grant a license for the sale of all alcoholic beverages to be drunk on the premises, pursuant to section 12 of said chapter 138, to Nucleo Sportinguista of New Bedford Number 82 located at 6 Hathaway street in the city of New Bedford. The license shall be subject to all of said chapter 138 except said section 17. No such license shall be re-issued to the same location within 6 months from the date said license is terminated unless the applicant files a letter in writing from the department of revenue with the local license authority indicating the prior licensee's good standing with said department.

SECTION 2. This act shall take effect upon its passage.

Approved January 3, 2007.

Chapter 452. AN ACT AUTHORIZING THE TOWN OF IPSWICH TO MAKE AN APPEAL TO THE APPELLATE TAX BOARD.

Be it enacted, etc., as follows:

Notwithstanding section 14 of chapter 58 of the General Laws relative to the time of application for correction of a determination of the valuation of land made under section 13 of said chapter 58 or any other general or special law or rule or regulation to the contrary, the board of assessors of the town of Ipswich may, within 90 days after the effective date of this act, make written application to the appellate tax board in connection with a determination

by the department of revenue as to the amount of state-owned land within the town. The appellate tax board shall act on this application in accordance with said section 14 not more than 90 days after the date of the application.

Approved January 3, 2007.

Chapter 1. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO LIQUIFIED NATURAL GAS FACILITY SITING AND USE.

RESOLVED, That there shall be a special commission to make an investigation and study of the siting and use of liquified natural gas facilities in the commonwealth. The commission shall consist of the co-chairs of the joint committee on telecommunications, utilities and energy, the co-chairs of the joint committee on environment, natural resources and agriculture, the co-chairs of the joint committee on public safety and homeland security, 2 members of the senate to be appointed by the senate president, 1 member of the senate to be appointed by the minority leader, 2 members of the house of representatives to be appointed by the speaker, 1 member of the house of representatives to be appointed by the minority leader, the attorney general or his designee, the commissioner of the division of energy resources or his designee, the chair of the energy facilities siting board or his designee, the secretary of the executive office of public safety or his designee and the secretary of the executive office of environmental affairs or his designee.

The commission's study shall include analysis of the projected increase in natural gas supply needs of the commonwealth related to energy generation, heating and related public safety and security issues. The commission shall consider the need for additional liquified natural gas import facilities in the commonwealth, the economic, public safety, and environmental impacts of siting a liquified natural gas import facility in the commonwealth, the respective roles of federal, state and local governments in the siting process, and the effects of any land takings or transfers that might be proposed with siting a liquified natural gas import facility. The commission shall also make recommendations about what restrictions, if any, should be implemented by the Federal Aviation Administration for any proposal within close proximity to Logan Airport, and about the appropriateness of siting liquified natural gas import facilities in close proximity to areas with high population density.

The commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect by filing them with the clerk of the senate and the clerk of the house of representatives on or before June 30, 2006. The commission may issue preliminary or interim reports to the general court before that date.

Approved March 9, 2006

Chapter 2. RESOLVE PROVIDING FOR AN INVESTIGATION AND PLAN BY A SPECIAL COMMISSION RELATIVE TO ENDING HOMELESSNESS IN THE COMMONWEALTH.

Resolved, **SECTION 1**. There shall be a special commission for the purpose of devising a statewide strategy to end homelessness in the commonwealth. The commission shall consist of 5 members of the senate, 1 of whom shall be a member of the minority party,

5 members of the house of representatives, 1 of whom shall be a member of the minority party, the director of housing and community development or her designee, the commissioner of mental health or her designee, the commissioner of transitional assistance or his designee, the secretary of veterans' services or his designee, 3 mayors or their designees nominated by the Massachusetts Municipal Association, the president of the Massachusetts Sheriffs' Association or his designee, the chief justice of the housing court or his designee, 6 persons to be appointed by the governor, and each member of the interagency council on homelessness and housing, established by Executive Order number 454 dated November 20, 2003. The governor shall designate a member of the commission as co-chairperson and the members of the commission shall elect a member of the commission to serve as co-chairperson. The commission's strategy shall outline the necessary steps to replace the decade-old system of ad hoc and disparate emergency responses to homelessness with a coordinated and consolidated plan for permanent solutions to homelessness involving housing, economic development, and job creation.

SECTION 2. The commission shall use and incorporate the work of the interagency council on homelessness and housing and shall, by June 30, 2007, develop a comprehensive housing plan to end homelessness in the commonwealth, including a consensus budget proposal, capable of being implemented over a 5 year period, with a focus as follows:-

(a) To ensure the collaboration of the department of housing and community development, the executive office of health and human services and other state agencies, departments, and quasi-public authorities in the planning and distribution of resources that will create coordinated efforts to house homeless people, develop jobs and economic opportunities, and provide appropriate services.

(b) To consolidate within the state budget those funds allocated for services, housing, and economic development for homeless people, and to supplement these funds as necessary, for the purpose of developing coherent, comprehensive public policy. The objectives with actual quantifiable outcomes and results, guided by research, as part of the creation of a consolidated budget and comprehensive public policy to reduce homelessness.

(c) To carry out an analysis of the financial and organizational feasibility of utilizing state resources for housing, economic development and supportive services under a conversion strategy. The preparation of this conversion analysis shall include, but not be limited to, compilation and analysis of the following information: (1) a determination of the number of units required by jurisdictions to house homeless individuals and families; (2) the coordination of discharge planning from correctional, mental health and other institutions and the types of housing support systems required to prevent or end homelessness; (3) recommendations relative to the establishment of a results-oriented initiative of coordinated community support services designed to ensure that homeless individuals and families move towards independence and self-sufficiency; provided, however, that community support services shall include, but not be limited to, the case management of individual and family integration or reintegration into independent community living; and to identify the number

of housing units affordable to very low-income and extremely low-income households according to the definition by the United States Department of Housing and Urban Development or a successor agency; (4) the total amount in state resources currently spent on emergency shelter and services specifically targeted to homeless individuals and families; (5) a compilation of the costs of homelessness in mainstream primary and behavioral health systems and law enforcement systems, including jails, prisons, and courts; (6) an administrative review of all beds and services dedicated to homeless people and a review of models for housing, economic development and supportive services to which the present shelter system could be converted with recommendations regarding the transfer from the current to the proposed system; (7) the establishment of baseline quantification of the number of homeless people in the commonwealth and in various jurisdictions; (8) the establishment of incremental benchmarks to address what the baseline reveals; (9) the identification of the most innovative ideas from around the country for prevention.

The coordinated services that the commission shall analyze as a part of an individual or family living plan designed to prevent or eliminate homelessness shall include, but not be limited to, adult education, employment training and placement, family stabilization and reunification services, the head start program, child care and after-school services, substance abuse and mental health counseling and treatment, primary and preventive health care services, post-criminal justice rehabilitation and reintegration services, housing and rental assistance, energy and conservation assistance, group adult foster care and other elder home care services and nutrition.

(d) To prioritize and target state resources available for housing, economic development and supportive services to meet the needs of homeless individuals and families, and to ensure that those experiencing chronic homelessness are prioritized in the plan, especially veterans. Such prioritization and targeting may include the creation of special initiatives and set asides of a percentage of resources state agencies and quasi-public authorities may devote to the housing and employment of homeless people.

(e) To ensure that the state maximizes its ability to leverage outside resources from the federal, municipal, and private sources in the creation of coordinated, comprehensive initiatives to house homeless people.

(f) To identify what additional state resources are necessary to implement the strategy.

(g) To oversee the coordination and consolidation of state resources, both allocated and additional.

(h) To monitor a multi-year strategy initially to reduce the number of people who are homeless and to subsequently end homelessness in the commonwealth.

SECTION 3. For the purposes of this commission, "homelessness" shall mean the condition of a person sleeping in a place not meant for human habitation or in an emergency shelter, or a person in transitional housing for homeless persons who originally came from the street or an emergency shelter. For purposes of this commission "not meant for human habitation" shall include, but not be limited to, cars, parks, sidewalks, abandoned buildings,

welfare hotels, shared temporary occupancy of housing not intended for multiple families or other individuals, or any other public or private place not designed for, or ordinarily used as, regular living accommodations.

SECTION 4. The commission shall present to the general court its comprehensive housing plan to end homelessness in the commonwealth, including a timeline for implementation, cost estimates and finance mechanisms and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing them with the clerk of the house of representatives, who shall forward the same to the joint committee on children and families, the joint committee on housing, and the house and senate committees on ways and means on or before June 30, 2007. The commission's role shall be advisory in nature, and its recommendations, decisions, and actions shall not be binding on the executive branch or the legislative branch. One year after the effective date of this act, the commission shall be dissolved and any of its remaining responsibilities shall be assumed by the interagency council on homelessness and housing.

Approved October 26, 2006.

SUMMARY OF THE ACTS APPROVED, APPROVAL WITHHELD, ACTS VETOED BY THE GOVERNOR, PASSED OVER HIS VETO, AND ACTS DECLARED EMERGENCY LAWS BY THE GOVERNOR UNDER THE AUTHORITY OF THE CONSTITUTION.

During the second session of the General Court held in 2006, 452 Acts were enacted of which 419 Acts and two Resolves received the Governor's approval.

Chapters 146, 147, 148, 149, 175, 176, 286 and 355 were not approved by the Governor within the ten days prescribed by the Constitution. They were not returned to either legislative branch during the ten days with the Governor's reasons for disapproval in writing and since the General Court had not prorogued during that time, these acts have the force of law and have been so certified.

Twenty two Acts were returned by the Governor to the House, the branch in which each Act had originated, with his objections in writing thereto. Chapter 33 was passed by the House and the Senate on February 15, 2006. Chapters 34 was passed by the House on January 19, 2006 and by the Senate on February 28, 2006. Chapter 93 was passed by the House on May 23, 2006 and by the Senate on May 24, 2006. Chapter 101 was passed by the House on May 23, 2006 and by the Senate on June 1, 2006. Chapter 138 was passed by the House on June 28, 2006 and by the Senate on June 30, 2006. Chapters 163, 164, 165, 166, 167, 168, 169, 170, 171 and 172 were passed by the House and the Senate on July 13, 2006. Chapter 193 was passed by the House on and the Senate on July 25, 2006. Chapters 267 and 268 were passed by the House and the Senate on July 24, 2006. Chapter 269 was passed by the House on July 26, 2006 and by the Senate on July 31, 2006. Chapters 270 and 271 were passed by the House and the Senate on July 31, 2006. Chapter 272 was passed by the House on July 25, 2006 and by the Senate on July 26, 2006.The Governor's objections notwithstanding, these chapters have the force of law and have been so certified.

Three Acts were returned by the Governor to the Senate, the branch in which each Act had originated, with his objections in writing thereto. Chapter 135 was passed by the Senate on June 22, 2006 and by the House on June 27, 2006. Chapters 258 and 295 were passed by the Senate and the House on July 31, 2006. The Governor's objections notwithstanding, these chapters have the force of law and have been so certified.

This summary does not include those line item vetoes by the Governor on appropriation Acts nor any subsequent legislative action on those vetoes.

Four Acts were declared to be emergency laws by the Governor under Article XLVIII of the Amendments to the Constitution. These are Chapters 11, 26, 47 and 91.

The 2006 session of the General Court was dissolved at midnight on Tuesday January 2, 2007 the session having lasted 364 days.

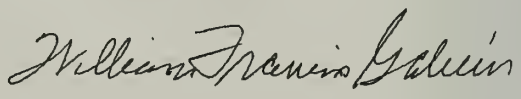
William Francis Galvin

William Francis Galvin
Secretary of the Commonwealth

OFFICE OF THE SECRETARY, BOSTON, MASSACHUSETTS October 31, 2007

I hereby certify that the Acts contained in this volume are true copies of the originals on file with this department.

I further certify that the Index and the Table of Changes contained in this volume have been prepared under the direction of the Committee on Rules of the two branches of the General Court in accordance with the provisions of M.G.L. c. 3, section 52.



William Francis Galvin
Secretary of the Commonwealth

TABLE OF CHANGES

SHOWING

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§ 54 **added**, 2006, 19.
§ 55 **added**, 2006, 215.
§ 55 **added**, 2006, 364.
§ 57 **added**, 2006, 425.

CHAPTER 3 - The General Court.

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§ 67 **added**, 2006, 258, § 2.

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CHAPTER 6 - The Governor, Lieutenant Governor and Council, Certain Officers under the Governor and Council, and State Library.

§ 1 amended, 2006, 122 § 3.
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§ 12ZZ added, 2006, 123, § 3.
§ 15AAAAA **added**, 2006, 379.
§ 178C amended, 2006, 139, § § 5, 6.
§ 178D amended, 2006, 139, § § 7, 8.
§ 178E amended, 2006, 139, § 9 through 20.
§ 178E subsection (a) amended, 2006, 303 § 1.
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§ 178F amended, 2006, 303 § 2.

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§ 178H subsection (c) stricken out, 2006, 303 § 5.
§ 178J amended, 2006, 139 § 28.
§ 178K amended, 2006, 139 § 29 througho 31.
§ 178K subsection (2) paragraph (e) **added**, 2006, 303 § 6.

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§ 16J added, 2006, 58, § 3.
§ 16K added, 2006, 58 § 3; amended 2006, 324 § 1
§ 16L added, 2006, 58 § 3.
§ 16M added, 2006, 58 § 3.
§ 16N added, 2006, 58 § 3; amended 2006, 324 § 2.
§ 16O added, 2006, 58 § 3; amended 2006, 324 §§ 3, 4.

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§ 38K amended, 2006, 122 § 6.

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CHAPTER 9 - Department of the State Secretary.

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§ 26 amended, 2006, 122 §§ 8, 9.

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CHAPTER 10 - Department of the State Treasurer.

§ 1 amended, 2006, 122 § 10.
§ 35 amended, 2006, 139 § 34.
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§ 35M amended, 2006, 58, § 4.
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(Title revised, 1998, 161 § 59.)

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CHAPTER 15C - Massachusetts College Student Loan Authority.

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CHAPTER 17 - Department of Public Health.

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CHAPTER 21F - Coastal Facilities Improvement.

CHAPTER 21G - Massachusetts Water Management Act.

CHAPTER 21H - Solid Waste Facilities.
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§ 6G added, 2006, 190 § 7. (See 2006, 190 § 9.)
§ 6H added, 2006, 190 § 7. (See 2006, 190 § 9.)
§ 6I (a), (b), added, 2006, 190 § 7. (See 2006, 190 § 11.)
§ 6I (c) to (e) added, 2006, 190 § 7.
§ 6J (a) added, 2006, 190 § 7. (See 2006, 190 §§ 12, 15.)
§ 6J (b), (c), (f) to (i) added, 2006, 190 § 7.
§ 6J (d) and (e) added, 2006, 190 § 7.
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(New chapter inserted, 1989, 265 § 3.)

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CHAPTER 21J - Underground Storage Tank Petroleum Product Cleanup Fund.
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(New Chapter inserted, 1998, 194 § 64.)

§ 5 subsection (m) **added**, 2006, 375.

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CHAPTER 22C - The Department of State Police.
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CHAPTER 22E - State DNA Database.
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CHAPTER 23D - Massachusetts Industrial Service Program.

CHAPTER 23E - Division of Industrial Accidents.
(Former Title, Department of Industrial Accidents)

CHAPTER 23F - The Economic Diversification Program.
(New chapter inserted, 1990, 525.)

CHAPTER 23G - The Massachusetts Development Finance Agency.
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§ 27 amended, 2006, 123 §§§ 17, 18, 19.
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§ 43 amended, 2006, 123 § 22.

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§ 11 added, 2006, 123 § 23.

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(Chapter repealed, 1953, 314 § 14.)

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CHAPTER 25 - Department of Public Utilities.

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CHAPTER 26 - Department of Banking and Insurance.

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§ 7B, added, 2006, 58, § 6A. amended, 2006, 324 § 6. (See 2006, 58 § 147.) (See 2006, 324 § 81.)
§ 8H, paragraph inserted after second paragraph, 2006, 58, § 7.

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CHAPTER 28 - Metropolitan District Commission.
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(Former Title, Office For Children.) (See 2000, 313 § 8.)

§ 9 "Placement Agency" definition revised, 2006, 293, § 2
§ 10 amended, 2006, 293, § 3.

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§ 2FF repealed, 2006 139 § 36.
§ 2MMM amended, 2006, 123 § 30.
§ 2OOO added, 2006, 58, § 8.
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§ 2PPP added, 2006, 58, § 8.
§ 2QQQ added, 2006, 58, § 8, revised, 2006, 324 § 8.
§ 2RRR added, 2006, 58, § 8.
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CHAPTER 29B - State Revenue Growth Control.
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CHAPTER 29C - Water Pollution Abatement Revolving Loan Program.
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§ 20 added, 2006, 123 § 34.

CHAPTER 31 - Civil Service.

§ 28A added, 2006, 187.

CHAPTER 31A - Municipal Personnel Systems.

CHAPTER 32 - Retirement Systems and Pensions.

§ 1, amended, 2006, 58, § 9
§ 4 amended, 2006, 161 § 1.
§ 7 amended, 2006, 161 § 2, paragraph (b) amended, 2006, 161 § 2.
§ 9 amended, 2006 55.
§ 9, subdivision (2), clauses (i) and (ii) added, 2006, 55; clause (ii) amended, 2006, 64 § 3.
§ 9, subdivision (2), paragraph (d), clauses (i), (ii) added, 2006, 55; clause (ii), amended, 2006, 64, § 3.
§ 20 subdivision (47/8D) (a), (b) added, 2006, 273 § 1.
§ 26 amended, 2006, 161 § 3.
§ 90C ¾ **revised**, 2006, 122, § 16.
§ 94B amended, 2006, 26.

CHAPTER 32A - Contributory Group General or Blanket Insurance for Persons in the Service of the Commonwealth.

§ 2 amended, 2006, 324 §§ 9, 10.
§ 17I added, 2006, 292, § 1.

CHAPTER 32B - Contributory Group General or Blanket Insurance for Persons in the Service of Counties, Cities, Towns and Districts, and their Dependents.

§ 2 amended, 2006, 90.

CHAPTER 33 - Militia.

CHAPTER 34 - Counties and County Commissioners.

CHAPTER 34A - County Charter Procedures.

CHAPTER 34B - Abolition of County Government.
(New chapter inserted, 1999, 127 § 53.)(See 1999, 127 § 390.)

§ 6 line 1 amended, 2006, 336, § § § 1, 2, 3.
§ 6 subsections (d), (e), (f) **added**, 2006, 336 § 4.
§ 20 amended, 2006, 336 § 5.
§ 20 subsection (b) sentence added after fifth sentence, 2006, 336 § 6.
§ 20 subsection (n) **added**, 2006, 336 § 7.

CHAPTER 35 - County Treasurers, State Supervision of County Accounts and County Finances.

CHAPTER 36 - Registers of Deeds.

CHAPTER 37 - Sheriffs.

§ 17 amended, 2006, 163 § 1.

CHAPTER 38 - Medical Examiners.

CHAPTER 39 - Municipal Government.

§ 23D **added,** 2006, 79.

CHAPTER 40 - Powers and Duties of Cities and Towns.

§ 60A added, 2006, 123 § 35.

CHAPTER 40A - Zoning Regulations.

§ 3 amended, 2006, 123 § 36.
§ 9 amended, 2006, 205 § 8.
§ 11 amended, 2006, 205 § 9.

CHAPTER 40B - Regional Planning.

§ 24 amended, 2006, 369 §§ 1, 2.
§ 30 added, 2006, 205 § 10.

CHAPTER 40C - Historic Districts.

CHAPTER 40D - Industrial Development of Cities and Towns.

CHAPTER 40E - Massachusetts Industrial Development Authority.

CHAPTER 40F - The Massachusetts Community Development Finance Corporation.

CHAPTER 40G - Massachusetts Technology Development Corporation.

CHAPTER 40H - Community Economic Development Assistance Corporation.

CHAPTER 40I - THE BAY STATE SKILLS CORPORATION ACT.
(Chapter repealed, 1996, 151 § 196.)(See 1996, 151 § 690.)

CHAPTER 40J - Massachusetts Technology Park Corporation.

§ 4E amended, 2006, 123 § 37.
§ 4F amended, 2006, 123 § 38.
§ 6A amended, 2006, 123 § 39.
§ 6B added, 2006, 123 § 40.
§ 6C added, 2006, 123 § 40.

CHAPTER 40K - MASSACHUSETTS PRODUCT DEVELOPMENT CORPORATION.
(Chapter repealed, 1996, 58 § 23.) (See 1996, 58 § 105.)

CHAPTER 40L - AGRICULTURAL INCENTIVE AREAS.

CHAPTER 40M - GOVERNMENTAL UNITS POOLED INSURANCE.

CHAPTER 40N - MODEL WATER AND SEWER COMMISSION.
(New chapter inserted, 1992, 343 § 2.)

CHAPTER 40O - BUSINESS IMPROVEMENT DISTRICTS.
(New chapter inserted, 1994, 173.)

CHAPTER 40O - The Massachusetts Rent Control Prohibition Act.
(New chapter inserted, 1994, 368 § 1.) (See 1994, 368 § 2.) (Voted by the people under Art. 48.) (Chapter stricken out, 1997, 19 § 10.) (See 1997, 19 § 127.)

CHAPTER 40P - The Massachusetts Rent Control Prohibition Act.
(New chapter inserted, 1997, 19 § 10.) (See 1997, 19§ 127.)

CHAPTER 40Q - DISTRICT IMPROVEMENT FINANCING.
(New Chapter inserted, 2003, 46 § 18.)

CHAPTER 40R - SMART GROWTH ZONING AND HOUSING PRODUCTION.
(New Chapter inserted, 2004, 149 § 92.)(See 2004, 149 § 428.)

CHAPTER 40S - SMART GROWTH SCHOOL COST REIMBURSEMENT
(New Chapter inserted, 2005, 141 § 1.)

CHAPTER 40T - SPECIAL DEVELOPMENT DISTRICTS.

CHAPTER 41 - Officers and Employees of Cities, Towns and Districts.

§ 95A, revised, 2006, 341.

CHAPTER 42 - Boundaries of Cities and Towns.

CHAPTER 43 - City Charters.

CHAPTER 43A - Standard Form of Representative Town Meeting Government.

CHAPTER 43B - Home Rule Procedures.

CHAPTER 43C - OPTIONAL FORMS OF MUNICIPAL ADMINISTRATION ACT.
(New chapter inserted, 1987, 756.)

CHAPTER 43D - EXPEDITED PERMITTING.
(New chapter inserted, 2004, 149 § 94.)(See 2004, 149 § 428.)

§ 8 to 16 **added**, 2006, 205 § 11.

CHAPTER 44 - Municipal Finance.

§ 20 sentence **added**, 2006, 122, § 18.
§ 33B, **revised,** 2006, 77.
§ 53G amended, 2006, 131.
§ 55C, subsection (a), amended, 2006, 109, § 1; **section amended**, 2006, 109 § 1 through 6.

CHAPTER 44A - QUALIFIED BOND ACT.

CHAPTER 44B. - COMMUNITY PRESERVATION.
(New chapter inserted, 2000, 267 § 1.)

§ 2 amended, 2006, 38.
§ 3 subsection (i) added, 2006, 393.
§ 5 amended, 2006, 289.

CHAPTER 45 - Public Parks, Playgrounds and the Public Domain.

CHAPTER 46 - Return and Registry of Births, Marriages and Death.

CHAPTER 47 - Infirmaries.

CHAPTER 48 - Fires, Fire Departments and Fire Districts.

CHAPTER 49 - Fences, Fence Viewers, Pounds and Field Drivers.

CHAPTER 49A - Use of Certain Animals for Scientific Investigation, Experiment or Instruction.

CHAPTER 50 - General Provisions relative to Primaries, Caucuses and Elections.

CHAPTER 51 - Voters.

CHAPTER 52 - Political Committees.

CHAPTER 53 - Nominations, Questions to be Submitted to the Voters, Primaries and Caucuses.

CHAPTER 54 - Elections.

§ 11 amended, 2006, 299 § 1.
§ 11B amended, 2006, 299 § 2.
§ 11B paragraph **added,** 2006, 299 § 3.
§ 12 amended, 2006, 299 § 4.
§ 12 paragraph **added**, 2006, 299 § 5.
§ 13 first sentence **revised**, 2006, 299 § 6.
§ 48A added, 2006, 299 § 7.

CHAPTER 54A - Election of City and Town Officers by Proportional Representation and Preferential Voting.

CHAPTER 55 - Disclosure of Campaign Expenditures and Contributions and Election Inquests.

§ 5 paragraph added, 2006, 299 § 8.
§ 9 amended, 2006, 132

CHAPTER 55A - THE MASSACHUSETTS CLEAN ELECTION LAW.
(Chapter revised, 1998, 395 § 2)(New title inserted, 1998, 395 § 2)
(Former Title, Limited Public Financing of Campaigns for Statewide Elective Office.)

CHAPTER 55B - The State Ballot Law Commission.

CHAPTER 55C - LIMITED PUBLIC FINANCING OF CAMPAIGNS FOR STATEWIDE ELECTIVE OFFICE.
(Chapter added, 2003, 26 § 43(D). (See 2003, 26 § 715.)

CHAPTER 56 - Violations of Elections Laws.

CHAPTER 57 - Congressional, Councilor and Senatorial Districts, and Apportionment of Representatives.

CHAPTER 58 - General Provisions relative to Taxation.

CHAPTER 58A - Appellate Tax Board.
(Former title, Board of Tax Appeals.)
(Chapter revised, 1998, 485 § 2.) (See 1998, 485 § 23.)

CHAPTER 59 - Assessment of Local Taxes.

§ 2A subsection (b) amended, 2006, 394 § 1.
§ 5 amended, 2006, 123 § 42 to 48.
§ 5 amended, 2006, 139 § 41.
§ 5 lines 557 and 591 amended, 2006, 260 §§ 1, 2, 3, 4, 5, 6, 7, 8.
§ 5 clause twenty-second D **revised**, 2006, 260 § 9. (See 2006, 260 § 17)
§ 5 line 759 amended, 2006, 260 § 9A.
§ 5 lines 769 and 774 amended, 2006, 260 § 10.
§ 5 line 789 amended, 2006, 260 § 11.
§ 5L **added**, 2006, 260 § 12.
§ 57 amended, 2006 122, § 19.
§ 57C amended, 2006, 122 § 20.

CHAPTER 59A - Classification of Real Property.

CHAPTER 60 - Collection of Local Taxes.

§ 62 amended, 2006, 354 §§ 1, 2.

CHAPTER 60A - Excise Tax on Registered Motor Vehicles in Lieu of Local Property Tax.

§ 1 amended, 2006, 260 §§ 13, 14.

CHAPTER 60B - Excise on Boats, Ships and Vessels in Lieu of Local Property Tax.

CHAPTER 61 - Classification and Taxation of Forest Lands and Forest Products. (Former title, Taxation of Forest Products and Classification and of Forest Lands.)

§ 1 definition of "Forest land" **revised**, 2006, 394 § 2.
§ 1definition of "Forest products" **revised**, 2006, 394 § 3, definition of "Owner" **revised**, 2006, 394 § 4,definition of "Parcel" **revised**, 2006, 394 § 5, definition of "Stumpage value" stricken out, 394, § 6.
§ 2 first paragraph stricken out, 2 paragraphs **added**, 2006, 394 § 7; third paragraph, second sentence stricken out, 2006, 394 § 8; line 41 amended, 2006, 394 § 9; fifth paragraph last sentence amended, 2006, 394 § 10; sixth paragraph stricken out, 2006, 394 § 11; § 2A **added**, after section 2, 2006, 394 § 12.
§ 3 **revised**, 2006, 394 § 13.
§ 4 **revised**, 2006, 394 § 14.
§ 5 **revised**, 2006, 394 § 15.
§ 6 **revised**, 2006, 394 § 16.
§ 7 **revised**, 2006, 394 § 17.
§ 8 **revised**, 2006, 394 § 18.

CHAPTER 61A - Assessment and Taxation of Agricultural and Horticultural Land.

§ 2 revised, 2006, 394 § 19.
§ 4A added, 2006, 394 § 20.
§ 7 amended, 2006, 394 § 21.
§ 10 amended, 2006, 394 § 22.
§ 11 amended, 2006, 394 §§§ 23, 24, 25.
§12 amended, 2006, 394 §§ 26, 27; paragraph added, 2006, 394 § 28.
§ 13 amended, 2006, 394 § 29; 4 paragraphs added, 2006, 394 § 30.
§ 14 revised, 2006, 394 § 31.

CHAPTER 61A - Assessment and Taxation of Agricultural and Horticultural Land. - continued

§ 16 amended, 2006, 394 § 32.
§ 18 amended, 2006, 394 §§§§ 33, 34, 35, 36.
§ 19 amended, 2006, 394 § 37.

CHAPTER 61B - Classification and Taxation of Recreational Land.

§ 1 amended, 2006, 394 §§ 38, 39.
§ 2A **added**, 2006, 394 § 40.
§ 4 amended, 2006, 394 § 41.
§ 6 paragraph **added**, 2006, 394 § 42.
§ 7 amended, 2006, 394 § 43; second paragraph amended, 2006, 394 § 44; paragraph **added**, 2006, 394 § 45.
§ 8 amended, 2006, 394 §§ 46, 47.
§ 9 **revised**, 2006, 394 § 48.
§ 11 amended, 2006, 394 § 49.
§ 13 amended, 2006, 394 § 50.

CHAPTER 62 - Taxation of Incomes.

§ 3 amended, 2006, 139 § 42.
§ 6 amended, 2006, 123 §§ 49, 50.
§ 6 ½ added, 2006, 145.
§ 6J amended, 2006, 123 § 51.

CHAPTER 62A - Simplified Method of Computing Individual Income Taxes.

CHAPTER 62B - Withholding of Taxes on Wages and Declaration of Estimated Income Tax.

CHAPTER 62C - Administrative Provisions Relative to State Taxation.

§ 1 amended, 2006, 123 §§ 53, 54.
§ 8B **added**, 2006, 324 § 11.
§ 16 revised, 2006, 122, § § 21, 22.
§ 16 amended, 2006, 123 § 55.
§ 21 subsection (b), clause (22) **added**, 2006, 324 § 12.
§ 67D amended, 2006, 123 §§§ 56, 57, 58.

CHAPTER 62D - SET-OFF DEBT COLLECTION.

§ 1 amended, 2006 324 § 13.

CHAPTER 62E - WAGE REPORTING SYSTEM.

§ 12 paragraph added after 1st paragraph, 2006, 450 § 1.

CHAPTER 62F - LIMITATION ON THE GROWTH OF STATE TAX REVENUES.

CHAPTER 63 - Taxation of Corporations.

§ 31L added, 2006, 144.
§ 38 amended, 2006, 123 §§ 60, 61.
§ 38N amended, 2006, 123 § 62.
§ 38Q amended, 2006, 123 §§ 63, 64.
§ 38R amended, 2006, 123 § 65.

CHAPTER 63A - Taxation of Certain Corporations, Associations and Organizations Engaged in the Sale of Alcoholic Beverages.

CHAPTER 63B - Declaration of Estimated Tax by Corporations.

CHAPTER 63C - Taxation of Income of Certain Corporations. (Chapter repealed, 1985, 593 § 24.)

CHAPTER 64 - Taxation of Stock Transfers.

CHAPTER 64A - Taxation of Sales of Gasoline. (Former Title, Taxation of Sales of Gasoline and Certain other Motor Vehicle Fuel.)

CHAPTER 64B - Excise upon Charges for Meals served to the Public.

CHAPTER 64C - Cigarette Excise.

§ 1 amended, 2006, 122, §§ 23, 24.
§ 1 amended, 2006, 204 § 7.
§ 2 lines 1 and 8 the word "cigarettes" revised, 2006, 122, § 25.
§ 2A to 2F added, 2006, 140 § 1. (see 140, § 5).
§5 amended, 2006, 122, § 26.

CHAPTER 64D - Excise on Deeds, Instruments and Writings.

CHAPTER 64E - Taxation of Special Fuels Used in the Propulsion of Motor Vehicles.

CHAPTER 64F - Taxation of Fuel and Special Fuels Acquired Outside and used within the Commonwealth.

CHAPTER 64G - Room Occupancy Excise.

CHAPTER 64H - Tax on Retail Sales of Certain Tangible Personal Property.

§ 6 line 309 amended, 2006, 260 § 15.

CHAPTER 64I - Tax on Storage, Use or Other Consumption of Certain Tangible Personal Property.

CHAPTER 64J - TAXATION OF FUELS USED IN THE PROPULSION OF AIRCRAFT.

CHAPTER 64K - Controlled Substances Tax.
(New Chapter inserted, 1993, 110 § 127.) (See 1993, 110 § 390.)

CHAPTER 65 - Taxation of Legacies and Successions.

CHAPTER 65A - Taxation of Transfers of Certain Estates.

CHAPTER 65B - Settlement of Disputes Respecting the Domicile of Decedents for Death Tax Purposes.

CHAPTER 65C - Massachusetts Estate Tax.

CHAPTER 66 - Public Records.

CHAPTER 66A - Fair Information Practices.

CHAPTER 67 - Parishes and Religious Societies.

CHAPTER 68 - Donations and Conveyances for Pious and Charitable Uses.

CHAPTER 68A - Limitations Upon the Conduct of Certain Trusts and Corporations Having Charitable Interests.

CHAPTER 69 - Powers and Duties of the Department of Education.

CHAPTER 70 - School Funds and State Aid for Public Schools. (Former title, School Funds and Other State Aid for Public Schools.) (Chapter revised, 1993, 71 § 32.)

CHAPTER 70A - EQUAL EDUCATIONAL OPPORTUNITY GRANTS. (Chapter repealed, 1993, 71 § 33.)

CHAPTER 70B - SCHOOL BUILDING ASSISTANCE PROGRAM. (New chapter inserted, 2000, 159 § 140. (See 2000, 159 § 498.)

§ 2 definition of "Additional Revenues" inserted before "Advisory board" definition, 2006, 122, § 27.
§ 2 definition of "Dedicated sales tax revenue amount" inserted after "construction manager" definition, 2006, 122 § 28.
§ 2 amended, 2006, 139 § 43.
§ 3 amended, 2006, 139 §§ 44, 45.
§ 3C 3 paragraphs added, 2006, 122, § 29.
§ 3E added, 2006, 139 § 46.
§ 5 **revised**, 2006, 122, § 30.
§ 6 amended, 2006, 122 §§ 31, 32.
§ 7 amended, 2006, 139 § 47.
§ 9 subsection (d) **added**, 2006, 122, § 33.
§ 15 subsection (a) **revised**, 2006, 122, § 34.
§ 19 amended, 2006, 122, § 35.

CHAPTER 71 - Public Schools.

§ 13D amended, 2006, 428 § 1.
§ 34H, subsections (a), (b), and (c) revised, 2006, 62, § 1; subsection (d) stricken out, 2006, 62, § 2; subsection (g) stricken out, 2006, 62, § 3.
§ 37L, amended, 2006, 80, § 1.
§ 41 amended, 2006, 267.
§ 57 paragraph **added** after the first paragraph, 2006, 333 § 1. (See § 2)

CHAPTER 71A - TRANSITIONAL BILINGUAL EDUCATION. (Chapter revised, 2002, 386(See 2002, 386 § 4.)

CHAPTER 71B - CHILDREN WITH SPECIAL NEEDS.

§ 3, sixth paragraph amended, 2006, 57.
§ 16 **added**, 2006, 152.

CHAPTER 72 - School Registers and Returns.

CHAPTER 73 - State Colleges and Community Colleges.
(Former title, State Teachers Colleges and Community Colleges.)

CHAPTER 74 - Vocational Education.

CHAPTER 74A - INDEPENDENT AGRICULTURAL AND TECHNICAL SCHOOL.
(Chapter inserted 2000, 159 § 191.)(See 2000, 159 § 498.)
(Chapter repealed, 2004, 463 § 1.) (See 2004, 463 § 18.)

CHAPTER 75 - University of Massachusetts.
(Former title, Massachusetts State College.)

CHAPTER 75A - University of Lowell.
(Former title, Lowell Technological Institute of Massachusetts.)
(Chapter repealed, 1991, 142 § 23.) (See 1991, 142 §§ 4, 50.)

CHAPTER 75B - Southeastern Massachusetts University.
(Former title, South Eastern Massachusetts University)
(Former title Southeastern Massachusetts Technological Institute.)
(Chapter repealed, 1991, 142 § 24. (See 1991, 142 §§ 19, 50.)

CHAPTER 75C - Private Correspondence Schools.

CHAPTER 75D - Private Business Schools.

CHAPTER 76 - School Attendance.

§ 15D amended, 2006, 219.

CHAPTER 77 - School Offenders and County Training Schools.

CHAPTER 78 - Libraries.

CHAPTER 78A - YOUTH CONSERVATION AND SERVICE CORPS.
(Chapter inserted 1993, 19 § 19.)

CHAPTER 79 - Eminent Domain.

CHAPTER 79A - Relocation Assistance.

CHAPTER 80 - Betterments.

CHAPTER 80A - Eminent Domain Takings and Betterment Assessments by Judicial Proceedings.

CHAPTER 81 - State Highways.

§ 21 amended, 2006, 205 § 12.

CHAPTER 81A - THE MASSACHUSETTS TURNPIKE AUTHORITY AND THE METROPOLITAN HIGHWAY SYSTEM. (Chapter inserted 1997, 3 § 6.)

CHAPTER 82 - The Laying Out, Alteration, Relocation and Discontinuance of Public Ways, and Specific Repairs Thereon.

§ 1 first paragraph revised, 2006, 336 § 8.
§ 1 amended, 2006, 336 § § 9, 10.
§ 1 second paragraph sentence added, 2006, 336, § 11.
§ 1 last paragraph stricken out, 2006, 336 § 12.
§ 2 amended, 2006, 336 § 13.
§ 2 lines 7, 9 amended, 2006, 336 § 14.
§ 3 amended, 2006, 336 § § 15, 16.
§ 4 lines 5, 6 amended, 2006, 336 § 17.
§ 5 amended, 2006, 336 § § 18, 19, 20, 21.
§ 5 2 sentences added, 2006, 336 § 22.
§ 7 amended, 2006, 336 § 23.
§ 8 amended, 2006, 336 § § 24, 25, 26.
§ 12 line 2 amended, 2006, 336 § 27.
§ 13 lines 1, 2 amended, 2006, 336 § 28.
§ 32A amended, 2006, 336 § § 29, 30.

CHAPTER 82A - EXCAVATION AND TRENCH SAFETY. (New Chapter inserted, 2002, 387 § 2.)

CHAPTER 83 - Sewers Drains and Sidewalks.

§ 15A amended, 2006, 231.

CHAPTER 84 - Repair of Ways and Bridges.

CHAPTER 85 - Regulations and By-Laws to Ways and Bridges.

CHAPTER 86 - Boundaries of Highways and Other Public Places, and Encroachments Thereon.

CHAPTER 87 - Shade Trees.

CHAPTER 88 - Ferries, Canals and Public Landings.

CHAPTER 89 - Law of the Road.

CHAPTER 90 - Motor Vehicles and Aircraft.

§ 2 paragraph **added**, 2006, 309.
§ 2 amended, 2006, 419.
§ 2F amended, 2006, 421.
§ 8 second paragraph, clause (c) **revised**, 2006, 428 § 2.
§ 8 third and fourth paragraphs **revised**, 2006, 428 § 3.
§ 8 paragraph **added** after sixth paragraph, 2006, 428 § 4.
§ 8 amended, 2006, 428 § 5.
§ 8B first paragraph amended, 2006, 428 § 6.
§ 8B second paragraph stricken out, 2 paragraphs added, 2006, 428 § 7.
§ 17B 2 paragraphs added, 2006, 428 § 8.
§ 19L **added**, 2006, 120.
§ 19L amended, 2006, 192 § 2 ¾.
§ 20 amended, 2006, 428 §§§§ 9, 10, 11, 12.
§ 22 amended, 2006, 134 § 1.
§ 24I amended, 2006, 33 § 1.
§ 32 paragraph **added** after first paragraph, 2006, 428 § 15.
§ 32G first paragraph amended, 2006, 428 § 14.
§ 32G amended, 2006, 428 § 16; sixth paragraph amended, 2006, 428 § 17; amended, 2006, 428 § 18; 2 paragraphs **added** after the eleventh paragraph, 2006, 428 § 19; twelfth paragraph, last sentence amended, 2006, 428 § 20; fourteenth paragraph revised, 2006, 428 § 21; paragraph added, 2006, 428 § 22.
§ 32G ½ **added**, 2006, 122, § 36; paragraph **added**, 2006, 428 § 23.

CHAPTER 90A - The Highway Safety Act.

CHAPTER 90B - Motorboats, Other Vessels and Recreational Vehicles. (Former title- Motorboats and Other Vessels.) (Title revised, 1998, 463 § 72.)

CHAPTER 90C - Procedure against Violators of Motor Vehicle Laws.

§ 1 amended, 2006, 134 §§ 2, 3.
§ 2 amended, 2006, 134 § 3A.
§ 2A added, 2006 134 § 3B.

CHAPTER 90D - Motor Vehicle Certificate of Title.

CHAPTER 90E - Bikeways.

CHAPTER 90F - UNIFORM OPERATION OF COMMERCIAL MOTOR VEHICLES ACT.
(New chapter inserted, 1990, 246 § 2.)

§ 1 amended, 2006, 119, §§ 2, 3, 4, 5, 6, 7.
§ 2, paragraph added, 2006, 119, § 8.
§ 4 amended, 2006, 119, § 9; paragraph added, 2006, 119, § 10.
§ 8, third paragraph, 2 sentences added, 2006, 119, § 11; section amended, 2006, 119, § 12.
§ 9, subsections (A) and (B), revised, 2006, 119, § 13; subsection (e), amended, 2006, 119.
§ 14 amended, 2006, 119 § 15; subsection (E1/2), paragraph added, 2006, 119 § 16; subsections (G) and (H) added, 2006, 119 § 17.
§ 12 revised, 2006, 119 § 18; section amended, 2006, 119§ 18A. (See 2006, 119 § 21)
§ 13, paragraph added, 2006, 119 § 19
§ 16 amended, 2006, 119 § 20.

CHAPTER 90G - CIVIL INFRACTIONS.
(New chapter inserted, 1992, 133 § 452.) (See 1992, 133 § 598.)
(Chapter repealed, 1993, 182 § 8.)

CHAPTER 90H - GATEWAY ROADS PROGRAM.
(New chapter inserted, 1994, 273 § 26.)

CHAPTER 91 - Waterways.

CHAPTER 91A - Port of Boston Commission.
(Former title, Port of Boston Authority.)

CHAPTER 92 - Metropolitan Sewers, Water and Parks.

§ 34A amended, 2006 139 § 48.

CHAPTER 92A - Commonwealth Zoological Corporation.
(New chapter inserted, 1991, 6 § 24.) (See 1991, 6 § 58.)

CHAPTER 92A½ - WATERSHED MANAGEMENT.
(New chapter inserted, 2003, 26 § 290.) (See 2003, 26 § 715.)

CHAPTER 92B - COMMONWEALTH ZOOLOGICAL CORPORATION.
(New chapter inserted, 1992, 286 § 165.)

§ 1 amended, 2006, 139 § 49.
§ 2 amended, 2006, 139 § 50.
§ 4 amended, 2006, 139 § 51.
§ 5 amended, 2006, 139 § 52.

CHAPTER 93 - Regulation of Trade and Certain Enterprises.

§ 43B added, 2006, 409.
§ 78 amended, 2006, 420 § 1.
§ 78A added, 2006, 420 § 2.
§ 86 paragraph added, 2006, 420 § 3.

CHAPTER 93A - Regulation of Business Practices for Consumers Protection.

CHAPTER 93B - Regulation of Business Practices Between Motor Vehicle Manufactures, Distributors and Dealers.
(Chapter revised, 2002, 222 § 3. (See 2002, 222 § 7.)

CHAPTER 93C - Protection of Consumers Against Careless and Erroneous Billings.

CHAPTER 93D - Control of Outdoor Advertising Adjacent to the Interstate and Primary Highway Systems.

CHAPTER 93E - Regulation of Dealers' Agreements for the Sale of Gasoline.

CHAPTER 93F - Regulating Certain Business Practices Between Motion Picture Distributors and Exhibitors.

CHAPTER 93G - EQUIPMENT DEALERS.
(New chapter inserted, 1996, 265.)

CHAPTER 94 - Inspection and Sale of Food, Drugs and Various Articles.

CHAPTER 94A - MILK CONTROL.

CHAPTER 94B - Hazardous Substances.

CHAPTER 94C - Controlled Substances Act.

§ 1 amended, 2006, 172 §§ 1, 2.
§ 27 amended, 2006, 172 § 3.
§ 27A added, 2006, 172, § 3.
§ 32I amended, 2006, 172, §§§ 4, 5, 6.

CHAPTER 94D - Controlled Substances Therapeutic Research Act.
(New chapter inserted, 1991, 480 § 1.)

CHAPTER 94E - Provisions Concerning Certain Tobacco Manufacturers.
(New chapter inserted, 2000, 117 § 2.)

CHAPTER 94F - Complementary Provisions Concerning Tobacco Product Manufacturers.
(New chapter inserted, 2004, 90 § 3.)

CHAPTER 95 - Measuring of Leather.

CHAPTER 96 - Measurement of Lumber.

CHAPTER 97 - Surveying of Land.

CHAPTER 98 - Weights and Measures.

CHAPTER 99 - The Metric System of Weights and Measures.

CHAPTER 100 - Auctioneers.

CHAPTER 100A - MOTOR VEHICLE DAMAGE REPAIR SHOPS.
(New chapter inserted, 1988, 273 § 32.) (See 1988, 273 § 77.)

CHAPTER 101 - Transient Vendors, Hawkers and Peddlers.

CHAPTER 102 - Shipping and Seamen, Harbors and Harbor Masters.

CHAPTER 103 - Pilots.

CHAPTER 104 - Agents, Consignees and Factors.

CHAPTER 104A - Consignment of Fine Art.

§ 1 definitions of "fine art" and "Art dealer" revised, 2006, 353 § 1.
§ 1 definition of "consignment" revised, 3 definitions added 2006, 353 § 2.
§ 2 revised, 2006, 353 § 3.
§ 3 subsection (a) revised, 2006, 353 § 4.
§ 3 subsection (d) revised, 2006, 353 § 5.
§ 4 revised, 2006, 353 § 6.

CHAPTER 105 - Public Warehouses.

CHAPTER 105A - SELF-STORAGE FACILITIES.

CHAPTER 106 - Uniform Commercial Code.

§ 4-406 amended, 2006, 279, § 1.

CHAPTER 107 - Money and Registration, Issuance and Redemption of Bonds and other Securities, Facsimile Signatures.
(Former title, Money and Negotiable Instruments.)

CHAPTER 107A - Assignments of Accounts Receivable

CHAPTER 108 - Criminal Offences Relative to Bills of Lading.
(Former title, Bills of Lading.)

CHAPTER 108A - Partnerships.

CHAPTER 109 - Limited Partnerships.

CHAPTER 109A - UNIFORM FRAUDULENT TRANSFER ACT.
(Chapter revised, 1996, 157.)

CHAPTER 110 - Labels, Trade Marks, Names and Registration Thereof.

CHAPTER 110A - Uniform Securities Act.

CHAPTER 110B - Registration and Protection of Trademarks.

CHAPTER 110C - Regulation of Take-over Bids in the Acquisition of Corporations.

CHAPTER 110D - REGULATION OF CONTROL SHARE ACQUISITIONS.
(New chapter inserted, 1987, 272 § 1.)(See 1987, 272 § 3.)

CHAPTER 110E - REGULATION OF CONTROL SHARE ACQUISITIONS OF FOREIGN CORPORATIONS.
(New chapter inserted, 1987, 272 § 2.)

CHAPTER 110F - BUSINESS COMBINATIONS WITH INTERESTED SHAREHOLDERS.
(New chapter inserted, 1989, 242 § 8.)

CHAPTER 110G - UNIFORM ELECTRONIC TRANSACTIONS.
(New chapter inserted, 2003, 133 § 3.)

CHAPTER 110H – REGISTRATION AND PROTECTION OF TRADEMARKS.
(New chapter inserted, 2006, 195 § 2.)

§ 1 to 17 **added**, 2006, 195 § 2.

CHAPTER 111 - Public Health.

§ 1 definition of "shaken baby syndrome" **revised**, 2006, 356, § 1.
§ 1 definition of "Medical peer review committee" **revised**, 2006, 437 § 1.
§ 4M **added**, 2006, 139 § 53.
§ 24K, **added**, 2006, 58, § 11.
§ 24K **added**, 2006, 356 § 2.
§ 25K **added**, 2006, 172 § 7.
§ 52 amended, 2006, 139 § 54.
§ 203, subsection (g) **added**, 2006, 437 § 2.
§ 204 amended, 2006, 437 § 3.
§ 220 **added**, 2006, 194.

CHAPTER 111A - Drug Addiction Rehabilitation.
(Chapter repealed, 1969, 889 § 23A.)

CHAPTER 111B - Alcoholism.

CHAPTER 111C - Emergency Medical Services System.
(Chapter Revised, 2000, 54 § 3.) (See 2000, 54 § 12.)
(Former title, Emergency Medical Care.)

CHAPTER 111D - Clinical Laboratories.

§ 8 amended, 2006, 160 § 1.

CHAPTER 111E - DRUG REHABILITATION.

CHAPTER 111F - HAZARDOUS SUBSTANCES DISCLOSURE BY EMPLOYERS.

CHAPTER 111G - EARLY CHILDHOOD INTERVENTION SERVICES.

CHAPTER 111H - MASSACHUSETTS LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT ACT.

CHAPTER 111I - WOMEN'S, INFANTS AND CHILDREN PROGRAM.
(New chapter inserted, 1992, 414 § 3.)

CHAPTER 111J - Alcohol and Drug Counselors.
(New chapter inserted, 1999, 127 § 115.)
(See 1999, 127 § 390.)

CHAPTER 111K - CATASTROPHIC ILLNESS IN CHILDREN RELIEF FUND COMMISSION.
(New chapter inserted, 2000, 159 § 207.) (See 2000, 159 § 498.)

§ 1 amended, 2006, 139 § 55.
§ 5 amended, 2006, 139 § 56.

CHAPTER 111L - BIOTECHNOLOGY.
(New chapter inserted, 2005, 27 § 1.)

CHAPTER 111M – INDIVIDUAL HEALTH COVERAGE.
(New chapter added, 2006, 58, § 12.) (see 2006, 58, § 1.)

§ 2, subsection (b) **revised**, 2006, 58, §13. (See 2006, 58 § 147.)
§ 1 definition of "Creditable Coverage" revised, 2006, 324 § 16.

CHAPTER 112 - Registration of Certain Professions and Occupations.

§ 12V **revised**, 2006, 420 § 4.
§ 227 to 233 **added**, 2006, 170 § 3.
§ 227 to 235 **added**, 2006, 135 § 2.

CHAPTER 113 - Promotion of Anatomical Science.

CHAPTER 114 - Cemeteries and Burials.

CHAPTER 115 - Veteran's Benefits.
(Former title, State and Military Aid, Soldier's Relief, etc.)

CHAPTER 115A - Soldier's Homes.

§ 10A added, 2006, 139 § 57.

CHAPTER 116 - Settlement.

CHAPTER 117 - Support by the Commonwealth.
(Former title, Support by the Cities and Towns.)

CHAPTER 117A - SUPPORT BY THE COMMONWEALTH.
(New chapter inserted, 1991, 255 § 4.) (See 1991, 255 § 7.)

CHAPTER 118 - Aid to Families with Dependent Children.
(Former title, Aid to Dependent Children.)

CHAPTER 118A - Assistance to the Aged and Disabled.
(Former title, Old Age Assistance and Medical Assistance for the Aged.)

CHAPTER 118B - The Merit System in the Administration of Aid to Families with Dependent Children and Old Age Assistance.

CHAPTER 118C - Coverage of Certain Employees under the Federal Social Security Act.

CHAPTER 118D - Assistance to Persons Who are Disabled.

CHAPTER 118E - Medical Care and Assistance.
(Chapter revised, 1993, 161 § 17.)

§ 6, paragraph added, 2006, 58, § 14.
§ 9 amended, 2006, 211 §§ 1, 2.
§ 9A, subsection (2), clause (c) revised, 2006, 58, § 15; section amended, 2006, 58 §§ 16, 17; subsection (15) added, 2006, 58 § 18; (See 2006, 58 §§ 140, 147.)
§ 9A subsection (15) revised, 2006, 324 § 17.

CHAPTER 118E - Medical Care and Assistance. - continued

§ 9C, definition of "Eligible employee" revised, 2006 58 § 19; section amended, 2006, 58 § 20; subsection (2), paragraph (B) revised, 2006, 58, § 21; paragraph (C) amended, 2006, 58 § 22; section amended, 2006, 58 § 23. (See 2006, 58 §§ 141, 145.)
§ 12, fourth paragraph amended, 2006, 58, § 24.
§ 13B, **added,** 2006, 58, § 25.
§ 16C, amended, 2006, 58, § 26. (See 2006, 58 § 140.)
§ 23, seventh paragraph, clause (2) revised, 2006, 58, § 28. (See 2006, 58 § 146.)
§ 16D amended, 2006, 58 § 27.
§ 21A amended, 2006, 139 § 58.
§ 23 amended, 2006, 58 § 28.
§ 53 **added,** 2006, 58, § 29. (See 2006, 58 § 140.)
§ 54 **added,** 2006, 58, § 29. (See 2006, 58 § 140.)
§ 55 **added,** 2006, 58, § 30. (See 2006, 58 § 146.)
§ 56 **added,** 2006, 58, § 30. (See 2006, 58 § 146.)
§ 57 **added,** 2006, 58, § 30. (See 2006, 58 § 146.)
§ 58 **added,** 2006, 58, § 30. (See 2006, 58 § 146.)
§ 59 **added,** 2006, 58, § 30. (See 2006, 58 § 146.)
§ 60 **added,** 2006, 58, § 30. (See 2006, 58 § 146.)

CHAPTER 118F - DEPARTMENT OF MEDICAL SECURITY.
(New chapter added, 1988, 23 § 45.) (See 1988, 23 § 45.)
(Chapter repealed, 1996, 151 § 274.) (See 1996, 151 § 690.)

CHAPTER 118G - HEALTH CARE FINANCE AND POLICY.
(New chapter added, 1996, 151 § 275.) (See 1996, 151 § 690.)

§ 1, definition of "Pool" stricken out, 2006, 58, § 31; definition of "Non-providing employer" inserted, 2006, 58 § 32/ clause (i) revised; definition of "Payments subject to surcharge" stricken out and definition of "Payments from non-providing employers" inserted, 2006, 58 § 33/ definition revised; definition of "Private sector charges" stricken out, 2006, 58 § 34; definition of "State-funded employee' added, 2006, 58 § 35; definition of "Surcharge payer" stricken out, 2006, 58 § 36. (See 2006, 58 § 146.)
§ 2, amended, 2006, 58, § 37; second paragraph, clause (c), stricken out, 2006, 58, § 38. (See 2006, 58 § 146.)
§ 3, clause (g), stricken out, 2006, 58, § 39. (See 2006, 58 § 146.)
§ 5, first 2 sentences **revised**, 2006, 58, § 40. (See 2006, 58 § 146.)
§ 6, paragraph inserted after first paragraph, 2006, 58, § 41/ second paragraph revised 2006, 324 § 24.
§ 6A revised, 2006, 324 § 25.
§ 6B **added,** 2006, 58 § 42.
§ 6B revised, 2006, 324 § 25.

CHAPTER 118G - HEALTH CARE FINANCE AND POLICY. - continued

§ 6C **added**, 2006, 58 § 42.
§ 18 **repealed**, 2006, 58 § 43. (See 2006, 58 § 146.)
§ 18 subsection (q) **added**, 2006, 122 § 38.
§ 18A **repealed,** 2006, 58 § 43. (See 2006, 58 § 146.)
§ 18B, section **added,** 2006, 58, § 44/first sentence revised, 2006, 324 §26.
§ 28 to 33 **added**, 2006, 268 § 1.
§ 29 **added**, 2006, 174.
§§ 6B, 6C **revised**, 2006, 450 § 2.

CHAPTER 118H – COMMONWEALTH CARE HEALTH INSURANCE PROGRAM. (New chapter added, 2006, 58, § 45.(See 2006, 58 § 141.)

§ 1 to 6 **added**, 2006, 58 § 45.
§3 subsection (b) first sentence **revised**, 2006, 324 § 27.

CHAPTER 119 - Protection and Care of Children, and Proceedings against Them.

CHAPTER 119A - CHILD SUPPORT ENFORCEMENT.

CHAPTER 120 - Department of Youth Services and Massachusetts Training Schools.
(Former title, Youth Service Board and Massachusetts Training Schools.)

CHAPTER 121 - Powers and Duties of the Department of Public Welfare, and the Massachusetts Hospital School.

CHAPTER 121A - Urban Redevelopment Corporations.

CHAPTER 121B - Housing and Urban Renewal.

CHAPTER 121C - Economic Development and Industrial Corporations.

CHAPTER 121D - Affordable Housing Trust Fund.
(New chapter inserted, 2000, 159 § 227.) (See 2000, 159 § 498.)

CHAPTER 122 - Tewksbury Hospital.
(Former title, Tewksbury State Hospital and Infirmary.)

CHAPTER 123 - Treatment and Commitment of Mentally Ill and Mentally Retarded Persons.

CHAPTER 123A - Care, Treatment and Rehabilitation of Sexually Dangerous Persons.
(Former title, Care, Treatment and Rehabilitation of Sexual Offenders and Victims of such Offenders.)

CHAPTER 123B - MENTAL HEALTH.

CHAPTER 124 - Powers and Duties of the Department of Correction.

CHAPTER 125 - Correctional Institutions of the Commonwealth.
(Former title, Penal and Reformatory Institutions of the Commonwealth.)

CHAPTER 126 - Jails, Houses of Correction and Reformation, and County Industrial Farms.

CHAPTER 127 - Officers and Inmates of Penal and Reformatory Institutions, Paroles and Pardons.

§ 133D½ added, 2006, 303 § 7.

CHAPTER 128 - Agriculture.

CHAPTER 128A - Horse and Dog Racing Meetings.

§ 5C, first paragraph, third sentence amended, 2006, 449 § 1.

CHAPTER 128B - Conservation of Soil and Soil Resources and Prevention and Control of Erosion.

CHAPTER 128C - SIMULCAST WAGERING OF HORSE AND DOG RACING.
(New chapter inserted, 1992, 101 § 5.)

§ 2 amended, 2006, 449 §§ 2, 3, 4, 5, 6, 7.

CHAPTER 129 - Livestock Disease Control.
(Former title, Animal Industry.)

CHAPTER 129A - Marine Fish and Fisheries, Inland Fish and Fisheries, Birds and Mammals, General Provisions.

CHAPTER 130 - Marine Fish and Fisheries.
(Former title, Marine Fish and Fisheries Including Crustacean and Shellfish.)

CHAPTER 131 - Inland Fisheries and Game and Other Natural Resources.
(Former title, Powers and Duties of the Division of Fisheries and Game.)

§ 11 amended, 2006, 137 § 1.
§ 14 amended, 2006, 137 §§ 2, 3.

CHAPTER 131A - MASSACHUSETTS ENDANGERED SPECIES ACT.
(New chapter added, 1990, 408 § 4.) (See 1990, 408 § 5.)

CHAPTER 132 - Forestry.

CHAPTER 132A - State Recreation Areas Outside of the Metropolitan Parks District.
(Former title, State Parks and Reservations outside of the Metropolitan Parks District.)

CHAPTER 132B - Massachusetts Pesticide Control Act.

CHAPTER 133 - Disposition of Old and Infirm Animals.

CHAPTER 134 - Lost Goods and Stray Beasts.

CHAPTER 135 - Unclaimed and Abandoned Property.

CHAPTER 136 - Observance of a Common Day of Rest and Legal Holidays.
(Former title, Observance of the Lord's Day and Legal Holidays.)

CHAPTER 137 - Gaming.

CHAPTER 138 - Alcoholic Liquors.
(Former title, Intoxicating Liquors and Certain Non-intoxicating Beverages.)

§ 1, definition of "Winery" inserted, 2006, 33 § 2.
§ 12 amended, 2006, 33 § 3.
§ 17 paragraph added after the sixth paragraph, 2006, 383 § 1.
§ 18, amended, 2006, 33, § 4.
§ 18C added, 2006, 123 § 66.

CHAPTER 138 - Alcoholic Liquors. - continues

§ 19B, subsection (g) revised, 2006, 33 § 5.
§ 19F, added, 2006, 33 § 6.
§ 21 amended, 2006, 123 § 67.
§ 22, ninth paragraph, second sentence revised, 2006, 33 § 7; section amended, 2006, 33 §§ 8, 9.
§ 23 amended, 2006, 33 §§ 10, 11.

CHAPTER 139 - Common Nuisances.

CHAPTER 140 - Licenses.

§ 51 amended, 2006, 135 § 3.
§ 123 amended, 2006 177.

CHAPTER 140A - Regulation of Certain Credit Transactions.

CHAPTER 140B - Control of Certain Junkyards.

CHAPTER 140C - Consumer Credit Cost Disclosure.
(Chapter repealed, 1981, 733 § 1.)

CHAPTER 140D - CONSUMER CREDIT COST DISCLOSURE.
(New chapter inserted, 1981, 733 § 2.)

CHAPTER 140E - CONSUMER ACCOUNT DISCLOSURE.

CHAPTER 141 - Supervision of Electricians.

CHAPTER 142 - Supervision of Plumbing.

CHAPTER 142A - REGULATION OF HOME IMPROVEMENT CONTRACTORS.
(New chapter inserted, 1991, 453.)

CHAPTER 143 - Inspection and Regulation of, and Licenses for, Buildings, Elevators and Cinematographs.

§ 3A, paragraph **revised**, 2006, 293, § 4
§ 62 amended, 2006, 45, § 4.
§ 71A, fourth sentence revised, 2006, 45 § 5.
§ 71C, first paragraph revised, 2006, 45 § 6. (See 2006, 45 § 9.)
§ 71E **revised**, 2006, 45 § 7.

CHAPTER 144 - Tenement Houses in Cities.

CHAPTER 145 - Tenement Houses in Towns.

CHAPTER 146 - Inspection of Boilers, Air Tanks, etc., Licenses of Engineers, Firemen, and Operators of Hoisting Machinery.

§ 39 amended, 2006, 39 §§ 1, 2.
§ 34 paragraph added, 2006, 351.

CHAPTER 147 - State and Other Police, and Certain Power and Duties of the Department of Public Safety.

CHAPTER 148 - Fire Prevention.

§ 2A, added, 2006, 80, § 2.

CHAPTER 148A - (New chapter inserted, 2004, 304 § 7.) (See 2004, 304 § 12.)

CHAPTER 149 - Labor and Industries.

§ 6D½, section **added**, 2006, 58, § 46.
§ 188, section **added,** 2006, 58, § 47. (See 2006, 58 § 141.)
§ 188 subsection (a), definition of "department" revised, definition of "director" stricken out, 2006, 324 § 28.
§ 188 subsection (b) first sentence amended, 2006, 324 § 29.
§ 188 subsection (c) introductory paragraph revised, 2006, 324 § 30.
§ 188 clause (10) revised, 2006, 324 § 31.
§ 188 subsection (d) revised, 2006, 324 § 32.
§ 279 subsection (b) second paragraph **revised**, 2006, 122 § 55.
§ 363 last paragraph amended, 2006, 122 § 56.
§ 364 paragraph (a) amended, 20006, 122 § 57.

CHAPTER 149A. - PUBLIC CONSTRUCTION ALTERNATIVE DELIVERY METHODS.
(New Chapter added, 2004, 193 § 27.) (See 2004, 193 § 34.)

CHAPTER 150 - Conciliation and Arbitration of Industrial Disputes.

CHAPTER 150A - Labor Relations.

CHAPTER 150B - Peaceful Settlement of Industrial Disputes Dangerous to Public Health and Safety.

CHAPTER 150C - Collective Bargaining Agreements to Arbitrate.

CHAPTER 150D - Registration of Labor Replacements of Strike Breakers.

CHAPTER 150E - Labor Relations; Public Employees.

CHAPTER 151 - Minimum Fair Wages.
(Former title, Minimum Fair Wages for Women and Minors.)

§ 1 line 5 amended, 2006, 271 § 1. (See 2006, 270 § 3).
§ 1 amended, 2006, 271 § 2. (See 2006, 271 § 4).

CHAPTER 151A - EMPLOYMENT AND TRAINING.
(Title revised, 1990, 177 § 247. Former title, Employment Security.)

§ 29 amended, 2006, 123 §§ 68, 69.

CHAPTER 151B - Unlawful Discrimination Because Of Race, Color, Religious Creed, National Origin, Ancestry Or Sex.
(Former title, Unlawful Discrimination Against Race, Color, Religious Creed, National Origin or Ancestry.)

§ 4 amended, 2006, 291, §§ 1, 2.

CHAPTER 151C - Fair Education Practices.

CHAPTER 151D - Health, Welfare and Retirement Funds.

CHAPTER 151E - Prohibition of Certain Discrimination by Business.

CHAPTER 151F - EMPLOYER-SPONSORED HEALTH INSURANCE ACCESS.
(New Chapter Added, 2006, 58 § 48.) (See 2006, 58 § 142.)

§ 1 through 3 amended, 2006, 58 § 48.

CHAPTER 152 - Workers' Compensation.
(Former title: Workmen's Compensation.)

CHAPTER 153 - Liability of Employers to Employees for Injuries not resulting in Death.

CHAPTER 154 - Assignment of Wages.

CHAPTER 155 - General Provisions Relative to Corporations.

CHAPTER 156 - Business Corporations.

CHAPTER 156A - Professional Corporations.

CHAPTER 156B - Certain Business Corporations.

CHAPTER 156C - LIMITED LIABILITY COMPANY ACT.
(New chapter inserted, 1995, 281 § 18.) (See 1995, 281 § 22.)

CHAPTER 156D. - BUSINESS CORPORATIONS.
(New chapter inserted, 2003, 127 § 17.)(See 2003, 127 § 24.)

§ 4.01 amended, 2006, 195 § 3.
§ 15.06 amended, 2006, 195 § 4.

CHAPTER 157 - Co-operative Corporations.

CHAPTER 157A - EMPLOYEE COOPERATIVE CORPORATIONS.

CHAPTER 157B - Cooperative Housing Corporations.

CHAPTER 158 - Certain Miscellaneous Corporations.

CHAPTER 159 - Common Carriers.

§ 101 amended, 2006, 436 §§ 1, 2; second paragraph 3 sentences **added**, 2006, 436 §3.

CHAPTER 159A - Common Carriers of Passengers by Motor Vehicle.

CHAPTER 159B - Carriers of Property by Motor Vehicle.

CHAPTER 159C - TELEMARKETING SOLICITATION.
(New Chapter inserted, 2002, 265 § 1.) (See 2002, 265 § 2.)

CHAPTER 160 - Railroads.

CHAPTER 161 - Street Railways.

CHAPTER 161A - Massachusetts Bay Transit Authority.
(Chapter revised, 1999, 127 § 151.) (See 1999, 127 § 385.)

§ 9 amended, 2006, 123 § 70.

CHAPTER 161B - Transportation Facilities, Highway Systems and Urban Development Plan.

§ 3 amended, 2006, 123 §§ 71, 72.
§ 5 paragraph inserted after 1st paragraph, 2006, 290.

CHAPTER 161C - Rail Transportation in the Commonwealth.

CHAPTER 161D - THE MASSACHUSETTS INTERCITY BUS CAPITAL ASSISTANCE PROGRAM.

CHAPTER 162 - Electric Railroads.

CHAPTER 163 - Trackless Trolley Companies.

CHAPTER 164 - Manufacture and Sale of Gas and Electricity.

CHAPTER 164A - New England Power Pool.

CHAPTER 165 - Water and Aqueduct Companies.

CHAPTER 166 - Telephone and Telegraph Companies, and Lines for the Transmission of Electricity.

§ 25A amended, 2006, 123 § 73.
§ 25A amended, 2006, 123 § 75.
§ 25A amended, 2006, 143.

CHAPTER 166A - Community Antenna Television Systems.

CHAPTER 167 - Supervision of Banks.

§ 37 amended, 2006, 209 § 1.

CHAPTER 167A - Bank Holding Companies.

CHAPTER 167B - ELECTRONIC BRANCHES AND ELECTRONIC FUND TRANSFERS.

§ 6, revised, 2006, 279, § 2.
§ 17, revised, 2006, 279 § 3.
§ 18 amended, 2006, 279 § 4.

CHAPTER 167C - BANK LOCATIONS.
(Chapter Revised, 2004, 461 § 13.)

CHAPTER 167D - DEPOSITS AND ACCOUNTS.

§ 27 revised, 2006, 279 § 5.

CHAPTER 167E - MORTGAGES AND LOANS.
(Chapter Revised, 2004, 461 § 15.)

§ 6 subsection (a) clauses (4), (5) revised, 2006, 370.

CHAPTER 167F - INVESTMENTS AND OTHER POWERS.

CHAPTER 167G - TRUST DEPARTMENT.

CHAPTER 167H - MUTUAL HOLDING COMPANIES.
(New chapter inserted, 1987, 630.)

CHAPTER 168 - Savings Banks.

§ 11 amended, 2006, 221 § 1.
§ 12 amended, 2006, 221 § 2.
§ 19 amended, 2006, 221 § 3.
§ 20 amended, 2006, 221 § 4.
§ 34G added, 2006, 392 § 1.

CHAPTER 169 - Deposits with Others than Banks.
(Chapter revised, 1995, 337 § 1.)

CHAPTER 169A - LICENSING OF CHECK CASHERS.
(New chapter inserted, 1993, 308 § 1.) (See 1993, 308 § 2.)

CHAPTER 170 - Co-operative Banks.

§ 11 amended, 2006, 221 §§ 5, 6.
§ 19 amended, 2006, 221 § 7.
§ 26H added, 2006, 392 § 2.

CHAPTER 171 - Credit Unions.

§ 31 second paragraph revised, 2006, 279 § 6.
§ 80A added, 2006, 392 § 3.

CHAPTER 172 - Trust Companies.

§ 16 amended, 2006, 221 § 8.
§ 18 amended, 2006, 221 § 9.

CHAPTER 172A - Banking Companies.
(Chapter repealed, 2004, 461 § 24.)

CHAPTER 173 - Mortgage Loan Investment Companies.

CHAPTER 174 - BOND AND INVESTMENT COMPANIES.
(Chapter repealed, 1950, 822 § 1.)

CHAPTER 174A - Regulation of Rates for Fire, Marine and Inland Marine Insurance, and Rating Organizations.

CHAPTER 174B - Regulation of Automobile Clubs.

CHAPTER 174C – VEHICLE PROTECTION PRODUCT WARRANTIES ACT.
(New Chapter inserted, 2006, 438, § 1.)

CHAPTER 175 - Insurance.

§ 47Y added, 2006, 172 § 8.
§ 47Z, added, 2006, 292, § 2. (See 2006, 292, § 6).
§ 63, paragraph added, 2006, 448.
§108, subdivision (2), paragraph (a), clause (3), revised, 2006, 58, § 49. (See 2006, 58 § 142.) / clause 3 revised, 2006, 324, § 33.
§ 108J added, 2006, 224 § 1.
§ 108 subdivision (2), paragraph (a) clause (3) revised, 2006, 450 § 3.
§ 110, subdivision (O), added, 2006, 58, 50. (See 2006, 58 § 142.)
§ 110 subdivision (o), 1st sentence amended, 2006, 450 § 4.
§ 110 subdivision (p) added, 2006, 324 § 34.
§ 110 subdivision (o), 1st sentence amended, 2006, 450, § 4.
§ 110 subdivision (p), revised, 2006, 450 § 5.
§ 110M added, 2006, 58, § 51. (See 2006, 58 § 147.)
§ 110M revised, 2006, 324 § 35.

CHAPTER 175 - Insurance. - continued

§ 122A added, 2006, 224 § 2.
§ 163 amended, 2006, 185.
§ 177 amended, 2006, 222.

CHAPTER 175A - Regulation of Rates for Certain Casualty Insurance, including Fidelity, Surety and Guaranty Bonds, and for all other Forms of Motor Vehicle Insurance, and Regulation of Rating Organizations.

CHAPTER 175B - Unauthorized Insurer's Process Act.

CHAPTER 175C - Urban Area Insurance Placement Facility.

CHAPTER 175D - Massachusetts Insurers Insolvency Fund.

§ 1, subsection (2), second paragraph, revised, 2006, 342 § 1.
§ 17 section added, 2006, 342 § 2.

CHAPTER 175E - Regulation of Rates for Optional Motor Vehicle Insurance.

CHAPTER 175F - Medical Malpractice Self-Insurance Trust Funds.

CHAPTER 175G - POLLUTION LIABILITY REINSURANCE CORPORATION. (New chapter inserted, 1987, 650 § 2.)

CHAPTER 175H - FALSE HEALTH CARE CLAIMS. (New chapter inserted, 1988, 295.)

CHAPTER 175I - INSURANCE INFORMATION AND PRIVACY PROTECTION. (New chapter inserted, 1991, 516 § 1.) (See 1991, 516 § 6.)

CHAPTER 175J - ADMINISTRATIVE SUPERVISION AND HAZARDOUS FINANCIAL CONDITIONS OF INSURITIES. (New chapter inserted, 1993, 226 § 52.)

CHAPTER 175K – INTERSTATE INSURANCE COMPACT (New chapter inserted, 2006, 223)

§ 1 to 16 added, 2006, 223.

CHAPTER 176 - Fraternal Benefit Societies.

CHAPTER 176A - Non -Profit Hospital Service Corporations.

§ 8½ **added**, 2006, 58, § 52. (See 2006, 58 § 142.)
§ 8Z **added,** 2006, 58, § 53.
§ 8Z **revised**, 2006, 324 § 36.
§ 8Z **added**, 2006, 172 § 9.
§ 8AA, added, 2006, 292, § 3. (See 2006, 292, § 3).
§ 34 **added,** 2006, 58, § 54. (See 2006, 58 § 147.)
§ 34 revised, 2006, 324 § 37.

CHAPTER 176B - Medical Service Corporations.

§ 3B, section **added**, 2006, 58, § 55. (See 2006, 58 § 142.)
§ 4Z, section **added,** 2006, 58, § 56.
§ 4Z **added**, 2006, 172 § 10.
§ 4Z revised, 2006, 324 § 38.
§ 4AA, section added, 2006, 292, § 4 (See 2006, 292, § 6).
§ 22, section **added,** 2006, 58, § 57. (See 2006, 58 § 147.)
§ 22 revised, 2006, 324 § 39

CHAPTER 176C - Non-Profit Medical Service Plans.

CHAPTER 176D - UNFAIR PRACTICES AND UNFAIR DECEPTION ACTS AND PRACTICES IN THE BUSINESS OF INSURANCE.

CHAPTER 176E - Dental Service Corporations.

CHAPTER 176F - Optometric Service Corporations.

CHAPTER 176G - Health Maintenance Organizations.

§ 4R added, 2006, 58, § 58.
§ 4R added, 2006, 172 § 11.
§ 4R revised, 2006, 324 § 40.
§ 4S, section added, 292, § 5. (See 2006, 292, § 6).
§ 6A added, 2006, 58, § 59. (See 2006, 58 § 142.)
§ 16A added, 2006, 58, § 60.
§ 16A revised, 206, 324 § 41.
§ 16B added, 2006, 58 § 60A.
§ 30 added, 2006, 58, § 61. (See 2006, 58 § 147.)
§ 30 revised, 2006, 324 § 42.

CHAPTER 176H - Legal Service Plans.

CHAPTER 176I - PREFERRED PROVIDER ARRANGEMENTS.
(New chapter inserted, 1988, 23 § 65.) (See 1988, 23 § 92.)

CHAPTER 176J - SMALL GROUP HEALTH INSURANCE.
(New chapter inserted, 1991, 495 § 42.)

§ 1 amended, 2006, 58, § 62; definition of "Base premium rate" inserted, 2006, 58 § 63; definition of "Benefit level" revised, 2006, 58 § 64; definition of "Carrier" revised, 2006, 58 § 65; definition of "Case characteristics" stricken out, 2006, 58 § 66; definitions of "Connector", "Connector seal of approval" and "Creditable coverage" inserted, 2006, 58 § 67; definition of "Date of enrollment" inserted, 2006, 324 § 43.; definition of "Eligible individual" inserted, 2006, 58 § 68; section **amended**, 2006, 58 § 69; definition of "Eligible small business" amended, 2006, 58, § 70; definition of "Emergency services" revised, 2006, 58 § 71; **section amended**, 2006, 58 §§ 72, 73; definition of "Group health plan" inserted, 2006, 58 § 74; definition of "Health benefit plan" revised, 2006, 58 § 75; definitions of "Member" and "Modified community rate" inserted, 2006, 58 § 76; definition of "Pre-existing conditions provision" revised, 2006, 58 § 77; definition of "Rating factor" inserted, 2006, 58 § 78; definitions of "Resident" and "Trade Act/HCTC-eligible persons" inserted, 2006, 58 § 79; **section amended**, 2006, 58 § 80. (See §§ 142, 144, 145.)

§ 1 amended, the word "group size" in line 75 stricken out, 2006, 324 § 44.

§ 1 definition of "pre-existing conditions provisions" amended, sentence added, 2006, 324 § 45.

§ 2 **revised**, 2006, 58, § 81.

§ 3 **revised,** 2006, 58, § 82; (See 2006, 58 § 142.); subsection (a) clause (1) **revised**, 2006, 324 § 46; subsection (b), paragraph (3) first sentence **revised**, 2006, 324 § 47.

§ 4 **revised,** 2006, 58, § 83; subsection (a), paragraph (3), first sentence **revised**, 2006, 324 § 48.

§ 5 **revised,** 2006, 58, § 84. (See 2006, 58 § 142.)

§ 5 revised, 2006, 324 § 49.

§ 6 amended, 2006, 58, §§ 85, 86. (See 2006, 58 § 145.)

§ 6 amended, 2006, 58 § 86.

§ 7 **revised**, 2006, 58, § 87. (See 2006, 58 § 142.)

§ 8, paragraph added, 2006, 58, § 88. (See 2006, 58 § 145.)

§ 9 amended, 2006, 58, § 89. (See 2006, 58 § 145.)

§ 10 **added,** 2006, 58, § 90. (See 2006, 58 § 144.); last paragraph revised, 2006, 324 § 50.

CHAPTER 176K - MEDICARE SUPPLEMENT INSURANCE PLANS.
(New chapter inserted, 1993, 495 § 45.)

CHAPTER 176L - RISK RETENTION AND RISK PURCHASING GROUPS.
(New chapter inserted, 1993, 226 § 53.)

CHAPTER 176M - NONGROUP HEALTH INSURANCE.
(New chapter inserted, 1996, 297 § 29.) (See 1997, 297 § 34.)

§ 1; definition of "Subscriber" inserted, 2006, 58, § 92. (See 2005, 162 § 12.)
§ 3 amended, 2006, 58, § 93; subsections (d), (e) revised, 2006, 58, § 94; amended, 2006, 324 § 51.
§ 6, paragraph added, 2006, 58, § 95.

CHAPTER 176N - PORTABILITY OF HEALTH INSURANCE.
(New chapter inserted, 1996, 297 § 30.) (See 1996, 297 § 34.)

§ 2, amended, 2006, 58, §§ 97, 98, 99, 100; clauses (b), (c) revised, 2006, 324 § 52.

CHAPTER 176O - HEALTH INSURANCE CONSUMER PROTECTIONS.
(New chapter inserted, 2000, 141§ 27.) (See 2000, 141 § 35.)

CHAPTER 176P - LIMITED SOCIETIES.
(New chapter inserted, 2000, 320 § 19.) (See, 2000, 320 § 20.)

CHAPTER 176Q- COMMONWEALTH HEALTH INSURANCE CONNECTOR.
(New chapter inserted, 2006, 58, § 101.)

§ 1 to 16 **added**, 2006, 58 § 101.
§ 2 subsection (b) amended, 2006, 324 § 53, subsection (f) stricken out, 2006, 324 § 54.
§ 3 clause (p), sentence **added** after the second sentence, 2006, 324 § 55.
§ 3 clause (q), **revised**, 2006, 324 § 56.
§ 6 clause (c), **revised**, 2006, 324 § 57.

CHAPTER 177 - ASSESSMENT INSURANCE.
(Chapter repealed, 1924, 406 § 17; 1929, 24, § 1.)

CHAPTER 178 - Savings Bank Life Insurance.
(Chapter repealed, 1990, 499 § 22.) (See 1990, 499 §24.)

CHAPTER 178A - SAVINGS BANK LIFE INSURANCE.
(New chapter inserted, 1990, 499 § 23.) (See 1990, 499 § 24.)

CHAPTER 179 - Proprietors of Wharves, Real Estate lying in Common, and General Fields.

CHAPTER 180 - Corporations for Charitable and Certain Other Purposes.

§ 17B amended, 2006, 360 § 1.
§ 17N added, 2006, 360 § 2.

CHAPTER 180A - Management of Institutional Funds.

CHAPTER 181 - Foreign Corporations.
(Chapter repealed, 2004, 65 § 26. (See 2004, 65 § 56.)

CHAPTER 182 - Voluntary Associations and Certain Trusts.

CHAPTER 183 - Alienation of Land.

§ 54, revised, 2006, 63, §1. (See 2006, 63 § 8.)
§ 54B, revised, 2006, 63, § 2. (See 2006, 63 § 8.)
§ 54C, revised, 2006, 63, § 3. (See 2006, 63 §§ 8, 9.)
§ 54D added, 2006, 63, § 3. (See 2006, 63 §§ 8, 9.)
§ 55 revised, 2006, 63, § 4. (See 2006, 63 §§ 8, 9.)

CHAPTER 183A - Condominiums.

CHAPTER 183B - REAL ESTATE TIME-SHARES.
(New chapter inserted, 1987, 760 § 1.)(See 1987, 760 §2.)

CHAPTER 183C - PREDATORY HOME LOAN PRACTICES.
(New chapter inserted, 2004, 268 § 6.)

CHAPTER 184 - General Provisions relative to Real Property.

§ 17B, revised, 2006, 63, § 4A. (See 2006, 63 §§ 8, 9.)
§ 32 amended, 2006, 205 § 13.

CHAPTER 184A - The Rule against Perpetuities.

CHAPTER 184B - SHORT FORM TERMS FOR WILLS AND TRUSTS.

CHAPTER 185 - The Land Court and Registration of Title to Land.

§ 1 amended, 2006, 205 § 14.
§ 3A added, 2006, 205 § 15.
§ 9A amended, 2006, 164 § 2.
§ 14 amended, 2006, 164 § 1.

CHAPTER 185A - Housing Court of the City of Boston, Jurisdiction and Powers.

CHAPTER 185B - Housing Court of the County of Hampden, Jurisdiction and Powers.

CHAPTER 185C - Housing Court Department.

§ 9A amended, 2006, 164 § 2.

CHAPTER 186 - Estates for Years and at Will.

CHAPTER 187 - Easements.

CHAPTER 188 - Homesteads.

§ 1A amended, 2006, 64, § 5. (See 2006, 64 § 15.)

CHAPTER 189 - Dower and Curtesy.

CHAPTER 190 - Descent and Distribution of Real and Personal Property.

CHAPTER 190A - Effect of Apparently Simultaneous Deaths Upon Devolution and Disposition of Property, including Proceeds of Insurance.

CHAPTER 191 - Wills.

CHAPTER 191A - Disclaimer of Certain Property Interest Act.

CHAPTER 191B - UNIFORM STATUTORY WILL ACT. (New chapter inserted, 1987, 319 § 2.)

CHAPTER 192 - Probate of Wills and Appointment of Executors.

CHAPTER 193 - Appointment of Administrators.

CHAPTER 194 - Public Administrators.

CHAPTER 195 - General Provisions relative to Executors and Administrators.

CHAPTER 196 - Allowances to Widows and Children, and Advancements.

CHAPTER 197 - PAYMENT OF DEBTS, LEGACIES AND DISTRIBUTIVE SHARES.

CHAPTER 198 - Insolvent Estates Of Deceased Persons.

CHAPTER 199 - Settlement of Estates of Deceased Non-residents.

CHAPTER 199A - General Provisions Regarding Certain Foreign Fiduciaries.

CHAPTER 200 - Settlement of Estates of Absentees.

CHAPTER 200A - Abandoned Property.

CHAPTER 201 - Guardians and Conservators.

CHAPTER 201A - UNIFORM TRANSFER TO MINORS ACT.
(Title revised, 1987, 465 § 57.)(Former title, Uniform Gifts to Minors Act.)

CHAPTER 201B - UNIFORM DURABLE POWER OF ATTORNEY ACT.

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§ 7 paragraph added, 2006, 418 § 1.

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§ 22 first sentence **revised**, 2006, 122 § 41.
§ 22 amended, 2006, 169 § 1.

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§ 2 first sentence **revised**, 2006, 122 § 42.
§ 2 amended, 2006, 169 § 2.
§ 6 amended, 2006, 164 § 3.

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§ 2 amended, 2006, 205 § 16.
§ 4 first 3 paragraphs revised, 2006, 122 § 44.
§ 4 amended, 2006, 169 § 3.

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§ 23 to 23B revised, 2006, 270 § 2.
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§ 15C **added**, 2006, 172 § 12.
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§ 1, paragraph added, 2006, 48, § 2.
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